

SUPREME COURT OF CALIFORNIA

Facebook, Inc. v. Superior Court

No. S245203, Supreme Court of California (August 13, 2020)

SUMMARY

The California Supreme Court held that a trial court must apply a seven-factor balancing test (the *Alhambra* factors) when ruling on a motion to quash a criminal defense subpoena duces tecum directed at a third-party social media provider like Facebook. The factors include plausible justification, adequate description, availability from other sources, privacy/confidentiality rights (including Marsy's Law victim protections), timeliness, trial delay, and burden on the third party. The court found the trial court abused its discretion by failing to consider these factors and by proceeding ex parte and under seal without adequate justification, and remanded for reconsideration with full party participation. The court declined to resolve constitutional challenges (Fifth/Sixth Amendment) or the applicability of the Stored Communications Act to Facebook's business model, as the underlying subpoena may lack good cause.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Cantil-Sakauye, C. J.; Chin, J.; Corrigan, J.; Liu, J.; Kruger, J.; Groban, J.
JURISDICTION	California
DECIDED	August 13, 2020
DOCKET	S245203
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Writ of review from the Court of Appeal's decision affirming the trial court's denial of Facebook's motion to quash a criminal defense subpoena.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published
PARTIES	Facebook, Inc. v. Lance Touchstone

TOPICS

- criminal procedure
- discovery dispute
- appellate procedure
- standard of review

PRACTICE AREAS

Criminal Law

Criminal Procedure

Discovery

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in denying Facebook's motion to quash the subpoena by failing to consider and balance the seven Alhambra factors.
2. Whether the court should resolve the underlying constitutional and SCA issues.

HOLDINGS

1. The trial court abused its discretion by failing to apply the seven-factor Alhambra test when ruling on the motion to quash. The court must consider plausible justification, overbreadth, alternative sources, privacy rights, timeliness, delay, and burden on the third party.

KEY QUOTATIONS

"We conclude that the trial court below abused its discretion when ruling on the motion to quash by failing to apply the seven-factor Alhambra test." (at 38)

"We list the seven factors that should be considered by a trial court in considering whether good cause has been shown to enforce a subpoena that has been challenged by a motion to quash. ... (1) Has the defendant carried his burden of showing a 'plausible justification' ... (2) Is the sought material adequately described and not overly broad? (3) Is the material 'reasonably available to the ... entity from which it is sought (and not readily available to the defendant from other sources)'? (4) Would production of the requested materials violate a third party's 'confidentiality or privacy rights' or intrude upon 'any protected governmental interest'? (5) Is defendant's request timely? (6) Would the 'time required to produce the requested information ... necessitate an unreasonable delay of defendant's trial'? (7) Would 'production of the records containing the requested information ... place an unreasonable burden on the [third party]'?" (at 15-19)

FACTUAL BACKGROUND

Defendant Lance Touchstone is charged with shooting and attempting to murder Jeffrey Renteria. Touchstone claims self-defense and seeks all of Renteria's Facebook communications (including restricted posts and private messages) to support that defense and to impeach Renteria. The preliminary hearing evidence suggests that the factual basis for the self-defense claim is weak, including that Renteria had hidden the guns in the attic, that Renteria threatened only that Touchstone would go to jail, and that Renteria entered the home with his phone and took photos before being shot, rather than 'bursting through' and 'lunging.' The trial court proceeded ex parte and under seal, and did not adequately consider the relevant factors for good cause.

PROCEDURAL HISTORY

The trial court denied Facebook's motion to quash a subpoena duces tecum seeking all of Renteria's Facebook communications. The Court of Appeal affirmed. The California Supreme Court granted review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court is directed to vacate its order denying the motion to quash and reconsider the motion with full participation by the parties, assessing and balancing the seven Alhambra factors.

CASES CITED

- Facebook v. Superior Court (Hunter) (2018) 4 Cal.5th 1245
- City of Alhambra v. Superior Court (1988) 205 Cal.App.3d 1118
- Pitchess v. Superior Court (1974) 11 Cal.3d 531
- Ballard v. Superior Court (1966) 64 Cal.2d 159
- Hill v. Superior Court (1974) 10 Cal.3d 812
- Kling v. Superior Court (2010) 50 Cal.4th 1068
- Pacific Lighting Leasing Co. v. Superior Court (1976) 60 Cal.App.3d 552