



NEWS RELEASE

Release Number: 69

Release Date: September 21, 2006

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS

Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

California Supreme Court to Hold Special Outreach Session in Santa Barbara

***Hundreds of Students, Teachers, Judges & Lawyers to
Participate in Court Education Event on October 3–4***

San Francisco—More than 750 high school students and law students in Santa Barbara County will see the California Supreme Court in action at a special public outreach session on October 3–4 in the historic Mural Room of the Superior Court of Santa Barbara County, 1100 Anacapa Street, Santa Barbara.

For the sixth year in a row, the state's high court is planning the program to help educate students about the court system and increase public understanding of the judicial branch of government. The session involves 18 high schools, 2 law schools, and 50 teachers, administrators, and deans, in addition to volunteer judges, lawyers, and court staff.

LIVE TELEVISION BROADCAST

California Channel, a public affairs cable network, will broadcast the first three of eight cases live statewide, from 9 a.m. to 12:30 p.m., starting with a question-and-answer session between the students and justices. The network reaches 5.6 million viewers and will offer a satellite link to facilitate coverage by other stations. Local viewing information is available at <http://www.calchannel.com/carriage.htm>.

The Supreme Court has launched an educational Web site for the event, with online briefs and detailed case summaries in each case to be argued, at <http://www.courtinfo.ca.gov/courts/supreme/sb-oralarg.htm>.

During both days of oral arguments, live closed circuit TV broadcasts will be shown in three of the superior court's courtrooms, with teams of local attorneys, judges, and teachers facilitating discussions about the cases. In the weeks before the special session, high school students will be briefed about the Supreme Court's case process, history, and the legal issues in

(over)

the cases to be argued.

The Supreme Court is working with the Court of Appeal for the Second Appellate District (Division Six) and the Superior Court of Santa Barbara County to coordinate the event, with the assistance of a planning committee chaired by Presiding Judge Rodney S. Melville. Assistant Presiding Judge J. William McLafferty chairs the court's Publications Committee, which is responsible for written materials that will be distributed to students, and Judge James E. Herman leads the court's Education Committee. Presiding Justice Arthur Gilbert represents the Court of Appeal.

Judge Herman is a former president of the State Bar of California and was the State Bar's representative on the Judicial Council of California from 2004 until his appointment to the bench in 2005.

CASES TO BE TELEVISED

The three cases to be broadcast by California Channel include the following:

***In re Jaime P.*, S135263**—This case involves a police search of the car of a minor who was on probation. The minor had previously agreed to allow a warrantless search of himself or his property, including his car, at any time with or without probable cause. A police officer searched the minor's car without probable cause and a loaded .44 caliber handgun was found. The issue in the trial court was whether that evidence should be suppressed. The trial court denied the minor's motion and the Court of Appeal agreed, relying on the California Supreme Court case, *Tyrell J.*, which allowed similar probation condition searches despite the searching officers' lack of knowledge of the condition. On appeal to the Supreme Court, Jaime P. claims that *Tyrell J.* should be overruled as inconsistent with a more recent California Supreme Court case, *People v. Sanders*. (See official case summary on attached calendar.)

***City of Goleta v. Superior Court of Santa Barbara County (Oly Chadmar Sandpiper General Partnership, Real Party in Interest)*, S129125**—This case involves a real estate developer's appeal of the City of Goleta's disapproval of a developer's proposed housing project. When the developer first started planning the project, Goleta was not yet a city, and the developer received tentative approval from the County of Santa Barbara. After Goleta incorporated, it took the position that it had the authority to deny final approval of the developer's project. Among the legal issues presented is whether Goleta is required to approve the developer's final map even though Goleta did not give the tentative approval in the first place. (See official case summary on attached calendar.)

***People v. Williams (Bob Russell)*, S056391 [Automatic Appeal]**

This death penalty judgment, like all capital cases, was appealed directly and automatically from the trial court to the Supreme Court. The defendant raises numerous issues concerning

his conviction for rape and murder. One of the claims is juror misconduct, based on the circumstance that a juror brought photocopies of biblical verses into the jury room and read them to other jurors while the jury was attempting to reach a verdict. The Attorney General's Office agrees that this was juror misconduct but argues it was not prejudicial, that is, it did not affect the outcome of the jury's deliberations. (*See official case summary on attached calendar.*)

The Supreme Court's October 2006 calendar with case summaries appears below and also is available on the California Courts Web site at:

<http://www.courtinfo.ca.gov/courts/calendars/documents/SOCTA06.DOC>.

For more detailed background information on each case, see the court's educational Web page: <http://www.courtinfo.ca.gov/courts/supreme/documents/allexpsum.pdf>.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SPECIAL SESSION—SANTA BARBARA
OCTOBER 3 AND 4, 2006**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, OCTOBER 3, 2006—9:00 A.M.

Opening Remarks: Historic Special Session

(1) In re Jaime P., S135263

#05-188 In re Jaime P., S135263. (A107686; unpublished opinion; Superior Court of Solano County; J32334.) Petition for review after the Court of Appeal remanded for recalculation of maximum commitment term and otherwise affirmed. This case presents the following issue: Does the decision in *In re Tyrell J.* (1994) 8 Cal.4th 68, which held that the search of a juvenile may be justified by a probation search condition even if the officer conducting the search was not aware that the juvenile was subject to such a search condition, remain viable in light of the reasoning and holding of this court's subsequent decision in *People v. Sanders* (2003) 31 Cal.4th 318?

(2) *City of Goleta v. Superior Court of Santa Barbara County (Oly Chadmar Sandpiper General Partnership, Real Party in Interest), S129125*

#04-160 *City of Goleta v. Superior Court of Santa Barbara County (Oly Chadmar Sandpiper General Partnership, Real Party in Interest), S129125.* (B175054; 122 Cal.App.4th 1182; Superior Court of Santa Barbara County; SBSC 1111147.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Must a newly incorporated city approve a final subdivision map if the county previously approved a tentative map? (2) Is a newly incorporated city estopped from disapproving a tentative map previously approved by the county if the city adopted the county ordinance requiring approval of the final map, exempted the project from a development moratorium, and worked with the developer to clear conditions?

(3) *People v. Williams (Bob Russell), S056391 [Automatic Appeal]*

This matter is an automatic appeal from a judgment of death.

1:30 P.M.

(4) *Philadelphia Indemnity Ins. Co. v. Montes-Harris, S130717*

#05-50 *Philadelphia Indemnity Ins. Co. v. Montes-Harris, S130717.* (9th Cir. Nos. 03-56651, 03-56652; 395 F.3d 1046; Central District of California; CV 02-3616-RSWL.) Request under California Rules of Court, rule 29.8, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “Does the duty of an insurer to investigate the insurability of an insured, as recognized by the California Supreme Court in *Barrera v. State Farm Mut. Auto. Ins. Co.* (1969) 71 Cal.2d 659, apply to an automobile liability insurer that issues an excess liability insurance contract in the context of a rental car transaction?”

(5) *People v. Trujillo (Manuel), S130080*

#05-42 *People v. Trujillo (Manuel), S130080.* (H026000; unpublished opinion; Superior Court of Santa Clara County; CC125830.) Petition for review after the Court of Appeal reversed a finding that defendant’s prior conviction was not a “strike” within the meaning of the three-strikes law. This case includes the following issues: May the People appeal a finding that a prior conviction was not a serious felony within the meaning of the three-strikes law, or appeal the resulting allegedly unlawful sentence? (See Pen. Code, § 1238(a) & (d).) Did the trial court err in ruling that defendant’s alleged prior conviction for inflicting corporal injury in violation of Penal Code section 273.5, subdivision (a), was not a “strike”?

WEDNESDAY, OCTOBER 4, 2006—9:00 A.M.

(6) *Agua Caliente Band of Cahuilla Indians v. Superior Court of Sacramento County (Fair Political Practices Commission, Real Party in Interest)*, S123832

#04-68 Agua Caliente Band of Cahuilla Indians v. Superior Court of Sacramento County (Fair Political Practices Commission, Real Party in Interest), S123832. (C043716; 116 Cal.App.4th 545; Superior Court of Sacramento County; 02AS04545.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case includes the following issue: Can a California state court exercise jurisdiction over a federally recognized Indian tribe in an action by the Fair Political Practices Commission to enforce campaign contribution reporting requirements under the Political Reform Act (Gov. Code, § 81000 et seq.) where Congress has not authorized the suit and the tribe has not expressly waived its sovereign immunity?

(7) *Fair v. Bakhtiari (Stonesfair Financial Corp. et al.)*, S129220

#05-01 Fair v. Bakhtiari (Stonesfair Financial Corp. et al.), S129220. (A100240; 122 Cal.App.4th 1457; Superior Court of San Mateo County; 417058.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case includes the following issue: If the parties to a settlement agreement prepared in mediation include an arbitration provision, is the agreement then deprived of confidentiality under Evidence Code section 1123(b)—which provides that such an agreement is not protected from disclosure if it is signed by the settling parties and “[t]he agreement provides that it is enforceable or binding or words to that effect”—on the theory that by including the arbitration provision, the parties used “words to that effect” and thus impliedly indicated the agreement was to be enforceable or binding?

(8) *In re Burton (Andre) on Habeas Corpus*, S034725

#97-164 In re Burton (Andre) on Habeas Corpus, S034725. Original proceeding. This case, presenting a claim of denial of the right to present a defense at the guilt phase of a capital trial, is related to the automatic appeal in *People v. Burton*, 48 Cal.3d 843.

#