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# NEWS RELEASE

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## Summary of Cases Accepted During the Week of April 14, 2008

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#08-72 *Communities for a Better Environment v. South Coast Air Quality Management Dist.*, S161190.** (B193500; 158 Cal.App.4th 1336; Los Angeles County Superior Court; BS091276.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of administrative mandate. This case presents the following issue: In determining whether a project requires the preparation of an environmental impact report under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), is the maximum amount of emissions allowed a facility under an existing permit part of the baseline against which future environmental impacts should be assessed, even though (a) the facility's current operations did not reach that level of emissions and (b) the level of emissions allowed by the permit had not been subjected to CEQA review?

**#08-73 *People v. Nichols*, S160709.** (B190205; nonpublished opinion; Los Angeles County Superior Court.) Petition for review after the Court of Appeal affirmed as modified and affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Towne*, S125677 (#04-75), and *People v. Nguyen*, S154847 (#07-416), which present issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole, and whether a prior juvenile adjudication of a criminal offense in California can constitutionally subject a defendant to the provisions of the three strikes law (Pen. Code, §§ 667, subds. (b)-(i), 1170.12) although there is no right to a jury trial in juvenile wardship proceedings in this state.

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