



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](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

# NEWS RELEASE

Release Number: **S.C. 19/09**

Release Date: **May 15, 2009**

## Summary of Cases Accepted During the Week of May 11, 2009

*[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.]*

**#09-23 *People v. Castillo, S171163.*** (B202289; 170 Cal.App.4th 1156; Los Angeles County Superior Court; ZM002027, ZM004837, ZM006562.) Petition for review after the Court of Appeal modified and affirmed an order of commitment as a sexually violent predator. The court limited review to the following issue: Did the Court of Appeal err by increasing the term of defendant's commitment under the Sexually Violent Predator Act from two years to an indeterminate term pursuant to the 2006 amendments to Welfare and Institutions Code section 6604, when the Los Angeles County District Attorney had stipulated that only the two-year commitment term would be sought?

**#09-24 *Bradley v. Networkers International LLC, S171257.*** (D052365; nonpublished opinion; San Diego County Superior Court; GIC862417.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Brinker Restaurant Corp. v. Superior Court*, S166350 (#08-157), which presents issues concerning the proper interpretation of California's statutes and regulations governing an employer's duty to provide meal and rest breaks to hourly workers.

**#09-25 *Deleon v. Verizon Wireless, S170377.*** (B202838; 170 Cal.App.4th 519; Los Angeles County Superior Court; BC328769.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in *Arias v. Superior Court*, S155965 (#07-412), which presents the following issues: (1) Must an employee who is

suing an employer for labor law violations on behalf of himself and others under the Unfair Competition Law (Bus. & Prof. Code, § 17203) bring his representative claims as a class action? (2) Must an employee who is pursuing such claims under the Private Attorneys General Act (Lab. Code, § 2699) bring them as a class action?

## **DISPOSITION**

The following case was transferred for reconsideration in light of *State Bd. of Chiropractic Examiners v. Superior Court* (2009) 45 Cal.4th 963:

**#07-259 *Ramirez v. Department of Health Services*, S152195.**

The court ordered review in the following case dismissed in light of *State Bd. of Chiropractic Examiners v. Superior Court* (2009) 45 Cal.4th 963:

**#08-83 *Brand v. Regents of University of California*, S162019.**

The court ordered review in the following case dismissed in light of *People v. Ramirez* (2009) 45 Cal.4th 980:

**#08-07 *People v. Garcia*, S157870.**

The following cases were transferred for reconsideration in light of *People v. Wagner* (2009) 45 Cal.4th 1039:

**#08-102 *People v. Davis*, S162400.**

**#08-161 *Gonzalez v. Superior Court*, S167197.**

## **STATUS**

**#08-51 *People v. Rodriguez*, S159497.** The court requested the parties to file supplemental letter briefs addressing the following questions: (1) Is the reference to Penal Code section 654 in Penal Code section 1170.1, subdivision (a), without further mention of section 654 in any other of section 1170.1's subdivisions, indicative of legislative intent as to section 654's applicability to sentence enhancements? (2) Penal Code section 1170.1, subdivision (f), provides that "[w]hen two or more enhancements may be imposed for being armed with or using a dangerous or deadly weapon or a firearm in the commission of a single offense, only

the greatest of those enhancements” can be imposed. Does subdivision (f) preclude the imposition of added prison terms under *both* of the enhancement provisions at issue in this case, Penal Code sections 12022.5, subdivision (a), and 186.22, subdivision (b)(1)(C)?

#