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# NEWS RELEASE

Release Number: **S.C. 20/07**

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## Summary of Cases Accepted During the Week of May 14, 2007

*[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.]*

**#07-186 *Bonander v. Town of Tiburon, S151370.*** (A112539; 147 Cal.App.4th 1116; Marin County Superior Court; CV052703.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Are the validation statutes (Code Civ. Proc., § 860 et seq.) the exclusive remedy available for challenging a special assessment levied under Streets and Highways Code section 10601 based on allegations that individual property owners are not receiving a special or proportionate benefit within the meaning of Proposition 218 (Cal. Const., art. XIII D, § 4, subd. (a))?

**#07-187 *Save Tara v. City of West Hollywood, S151402.*** (B185656; 147 Cal.App.4th 1091; Los Angeles County Superior Court; BS090402.) 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 includes the following issue: Does an agreement between agencies that describes a proposal in detail but expressly withholds any commitment to a definite course of action and is conditioned upon compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) constitute “approval” of a “project” necessitating environmental impact review under the Act?

**#07-188 *Travis v. County of Santa Cruz, S150695.*** (H029771; nonpublished opinion; Santa Cruz County Superior Court; CV136570.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the

(over)

following issue: May a local ordinance permitting the construction of “affordable second dwelling units” on property in single-family residential zones lawfully limit the amount of rent that can be charged for such units and restrict occupancy to family members or low income households?

In the following cases, which present issues relating to the effect of *Cunningham v. California* (2007) 549 U.S. \_\_\_, 127 S.Ct. 856, on California sentencing law, the court ordered briefing deferred pending further order of the court:

**#07-189 *People v. Braxton*, S150894.** (A096083, A110446; nonpublished opinion; Solano County Superior Court; FCR 178124.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-190 *People v. Brown*, S151454.** (B187952; nonpublished opinion; Los Angeles County Superior Court ; LA049911.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-191 *People v. Chaney*, S151784.** (A114559; nonpublished opinion; Alameda County Superior Court; S478405.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-192 *People v. Davis*, S151753.** (B187094; nonpublished opinion; Los Angeles County Superior Court; MA029594.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-193 *People v. Eagles*, S151754.** (F050174; nonpublished opinion; Kern County Superior Court; BF106770A.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#07-194 *People v. Knox*, S151662.** (D049600; nonpublished opinion; San Bernardino County Superior Court; FSB046053.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#07-195 *People v. Martinez*, S151498.** (B187947; nonpublished opinion; Los Angeles County Superior Court; KA067426.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-196 *People v. Scott*, S150994.** (E039093; 147 Cal.App.4th 831, mod. 148 Cal.App.4th 389a; San Bernardino County Superior Court; FSB047504.) Petition for review after the

Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#07-197 *People v. Silla, S151831*.** (B191989; nonpublished opinion; Los Angeles County Superior Court; SA038481.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#07-198 *People v. Tucek, S151836*.** (F049306; nonpublished opinion; Madera County Superior Court; SCR005088.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#07-199 *People v. Williams, S151768*.** (B191852; nonpublished opinion; Los Angeles County Superior Court; NA068956.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

## STATUS

**#06-102 *Consulting Engineers & Land Surveyors in California, Inc. v. Professional Engineers in California Government, S145341*.** The court requested supplemental briefing addressing the impact of this court's recent opinion in *Professional Engineers v. Kempton* (2007) 40 Cal.4th 1016 on the issues presented in this case.

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