



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

NEWS RELEASE

Release Number: **S.C. 21/07**

Release Date: **May 25, 2007**

Summary of Cases Accepted During the Week of May 21, 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.]

#07-200 Alcala v. Superior Court, S150806. (G036911; 147 Cal.App.4th 1492; Orange County Superior Court; C42861.) Petition for review after the Court of Appeal granted in part and denied in part a petition for peremptory writ of mandate. This case presents the following issues: (1) Was consolidation of four newly alleged homicides in Los Angeles County with the retrial of a homicide in Orange County authorized by Penal Code section 790, subdivision (b)? (2) Did the Court of Appeal err in directing that two of the four Los Angeles County homicide prosecutions be severed?

#07-201 People v. Freeman, S150984. (D046394, D048111, D049238; 147 Cal.App.4th 517; San Diego County Superior Court; SCD171601.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and denied petitions for writ of habeas corpus. This case presents the following issue: Was defendant's due process right to a fair trial violated based on an appearance of bias when the trial judge initially recused himself but then accepted reassignment after the basis for the initial disqualification proved to be unfounded?

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:

#07-202 People v. Evans, S150445. (F047507; nonpublished order;
(over))

Tulare County Superior Court; VCF109279.) Petition for review after the Court of Appeal denied a motion to recall the remittitur following an affirmance of a judgment of conviction of criminal offenses.

#07-203 *People v. Lopez, S151900.* (A111691; nonpublished opinion; Sonoma County Superior Court; MCR-368748.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-204 *People v. Matye, S151669.* (C050332; nonpublished opinion; Sacramento County Superior Court; 05F00241.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-205 *People v. Robinson, S151979.* (F049300; nonpublished opinion; Kern County Superior Court; BF108170A.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-206 *People v. Thompson, S151300.* (B177075; nonpublished order; Los Angeles County Superior Court; NA056521.) Petition for review after the Court of Appeal denied a motion to recall the remittitur following an affirmance of a judgment of a conviction of criminal offense.

DISPOSITIONS

The following cases were transferred for reconsideration in light of *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094:

#06-39 *Mills v. Superior Court, S141711.*

#06-111 *Banda v. Richard Bagdasarian, Inc., S144949.*

Review in the following case was dismissed in light of *Murphy v. Kenneth Cole Productions* (2007) 40 Cal.4th 1094:

#06-40 *National Steel and Shipbuilding Co. v. Superior Court, S141278.*

The following case was transferred for reconsideration in light of *Philip Morris USA v. Williams* (2007) __ U.S. __, 127 S.Ct. 1057:

#06-87 *Bullock v. Philip Morris USA, Inc., S143850.*

STATUS

#07-34 *In re Martinez*, S141480. Original proceeding. In this case in which the court previously issued an order to show cause on petitioner's claims for relief under Article 36 of the Vienna Convention on Consular Relations, April 24, 1963, 21 U.S.T. 77, the court ordered briefing deferred pending the decision of the United States Supreme Court in *Medellin v. Texas*, No. 06-984.

#07-161 *Spielbauer v. County of Santa Clara*, S150402. The court ordered the issues to be briefed and argued limited to the following issue: When a public employee invokes his or her Fifth Amendment right against self-incrimination in a public employer's investigation of the employee's conduct, must the public employer offer immunity from any criminal use of the employee's statements before it can dismiss the employee for refusing to answer questions in connection with the investigation?

#