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# NEWS RELEASE

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## Summary of Cases Accepted During the Week of June 11, 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.]*

**#07-207 *People v. Gastello*, S153170.** (F050325; 149 Cal.App.4th 943; Kings County Superior Court; 05CM4995.) Review on the court's own motion after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

**#07-208 *People v. Low*, S151961.** (A112831; nonpublished opinion; Solano County Superior Court; FCR-225077.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

*Gastello* and *Low* both present the following issue: Did the defendant violate Penal Code section 4573 by knowingly having methamphetamine in his possession when he was brought into county jail after his arrest on other charges?

**#07-209 *Jones v. Lodge at Torrey Pines Partnership*, S151022.** (D046600; 147 Cal.App.4th 475; San Diego County Superior Court; GIC811515.) Petition for review after the Court of Appeal reversed a judgment notwithstanding the verdict and an order granting a new trial in a civil action. The court limited review to the following issue: May an individual be held personally liable for retaliation under the California Fair Employment and Housing Act (Gov. Code § 12900 et seq.)?

**#07-210 *People v. Price*, S151207.** (S111081; 147 Cal.App.4th 955; Solano County Superior Court; VC41317.) Petition for review after the Court of Appeal reversed an order extending an insanity commitment to

the state hospital. This case presents the following issue: Did the untimely filing of the petition to extend an insanity commitment deny defendant due process, when there was no good cause for the delay and the late filing allegedly left him with insufficient time to prepare for the hearing on the petition?

**#07-211 *Van Horn v. Watson*, S152360.** (B188076, B189254; 148 Cal.App.4th 1013, mod. 148 Cal.App.4th 421c; Los Angeles County Superior Court; PC034945.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does the immunity provided by Health and Safety Code section 1799.102 for any person who “renders emergency care at the scene of an emergency” apply to a person who removed someone from a wrecked car because she feared it would burst into flames?

**#07-212 *People v. Villa*, S151561.** (A111891; 148 Cal.App.4th 473; Alameda County Superior Court; 97879.) Petition for review after the Court of Appeal affirmed the denial of a petition for writ of error *coram nobis*. This case presents the following issue: Is a habeas corpus petitioner “restrained of his liberty” within the meaning of Penal Code section 1473, subdivision (a), when he is in the custody of federal immigration officials solely because of a California conviction on which the sentence has fully expired?

**#07-213 *People v. Cruz*, S152272.** (B186073; nonpublished opinion; Los Angeles County Superior Court; BA2777034.) Petition for review after the Court of Appeal remanded for resentencing, and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Brookfield*, S147980 (#07-03) and *People v. Jones*, S148463 (#07-04), which include the following issue: Is a violation of Penal Code section 246 for shooting at an inhabited dwelling, which was committed for the benefit of a criminal street gang within the meaning of Penal Code section 186.22(b)(4)(B), a “felony punishable by . . . imprisonment in the state prison for life” within the meaning of section 12022.53(a)(17), such that sentence can be enhanced under section 12022.53(b) or (c) for the personal use and intentional discharge of a firearm?

**#07-214 *People v. Navarette*, S151897.** (E040641; nonpublished opinion; San Bernardino County Superior Court; FSB054617.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-215 *People v. Salas*, S152525.** (E040791; nonpublished opinion; San Bernardino County Superior Court; FSB054282.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Navarette* and *Salas* deferred pending decision in *People v. Lopez*, S149364 (#07-107), and *People v. Olguin*, S149303 (#07-108), which present the

following issue: May a trial court impose a condition of probation requiring a probationer to obtain permission from his or her probation officer in order to own any pet?

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:

**#07-216 *People v. Amaya, S152539*.** (H029396; nonpublished opinion; Santa Clara County Superior Court; CC476481.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#07-217 *People v. Barrow, S152496*.** (H030041; nonpublished opinion; Santa Clara County Superior Court; CC584419.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-218 *People v. Brown, S152225*.** (D047721; 148 Cal.App.4th 911; San Diego County Superior Court; SCD187181.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-219 *People v. Castro, S151328*.** (F049552; nonpublished opinion; Kern County Superior Court; BF111240A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-220 *People v. Chia, S151229*.** (B186803; nonpublished opinion; Los Angeles County Superior Court; A576188.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

**#07-221 *People v. Curtis, S152177*.** (H030035; nonpublished opinion; Santa Clara County Superior Court; CC579198.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-222 *People v. Deniz, S151502*.** (F048787; nonpublished opinion; Kings County Superior Court; 02CM2642, 02CM2644.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

**#07-223 *People v. Dennis, S152426*.** (F049669; nonpublished opinion; Stanislaus County Superior Court; 1084303.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

**#07-224 *People v. Gamboa, S152193.*** (E040858; nonpublished opinion; San Bernardino County Superior Court; FVI019977.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-225 *People v. Garcia, S152089.*** (B190881; nonpublished opinion; Ventura County Superior Court; 2005010499.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#07-226 *People v. Gonzalez, S152351.*** (B187922; nonpublished opinion; Los Angeles County Superior Court; VA088345.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-227 *People v. Gradillas, S152469.*** (B184255; nonpublished opinion; Los Angeles County Superior Court; KA066132-01-02.) Petition for review after the Court of Appeal affirmed in part and remanded for resentencing in part judgments of conviction of criminal offenses.

**#07-228 *People v. Johnson, S151877.*** (H029905; nonpublished opinion; Santa Clara County Superior Court; SS041952A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-229 *People v. Johnson, S152566.*** (B193730; nonpublished opinion; Los Angeles County Superior Court; NA065694.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#07-230 *People v. Jones, S152362.*** (A114027; nonpublished opinion; San Francisco County Superior Court; 197669.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-231 *People v. Lopez, S151772.*** (E038946; nonpublished opinion; San Bernardino County Superior Court; FVA19333.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-232 *People v. Marroquin, S152563.*** (B191010; nonpublished opinion; Los Angeles County Superior Court; NA065801.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-233 *People v. Martinez, S152440.*** (F048870; nonpublished opinion; Fresno County Superior Court; F03905803-3.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#07-234 *People v. McClain*, S152326.** (H029806; nonpublished opinion; Santa Clara County Superior Court; CC467010.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#07-235 *People v. Melles*, S152316.** (A111523; nonpublished opinion; Alameda County Superior Court; C146509.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-236 *People v. Perez*, S151751.** (C051800; 148 Cal.App.4th 353; Sacramento County Superior Court; 04F09167.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-237 *People v. Phillips*, S152222.** (C051711; nonpublished opinion; Sacramento County Superior Court; 05F05718.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-238 *People v. Rodriguez*, S152297.** (F049540; nonpublished opinion; Madera County Superior Court; MCR018416C.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

**#07-239 *People v. Russell*, S151458.** (A112325; nonpublished opinion; Mendocino County Superior Court; SCUKECR0565778.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-240 *People v. Saecho*, S151965.** (F050431; nonpublished opinion; Merced County Superior Court; 29810.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

**#07-241 *People v. Sargeant*, S152292.** (A112220; nonpublished opinion; Alameda County Superior Court; C149313.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#07-242 *People v. Silva*, S152304.** (A113363; nonpublished opinion; Lake County Superior Court; CR903928, CR904165-B, CR905789.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses.

**#07-243 *People v. Tith*, S152045.** (A114094; nonpublished opinion; Sonoma County Superior Court; SCR481092.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#07-244 *People v. Vielma*, S152406.** (F050858; nonpublished opinion; Tulare County Superior Court; VCF161203.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#07-245 *People v. Walker*, S152258.** (B189669; nonpublished opinion; Los Angeles County Superior Court; VA087590.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#07-246 *People v. Williams*, S152186.** (B189671; nonpublished opinion; Los Angeles County Superior Court; TA079493.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

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