



NEWS RELEASE

Release Number: **S.C. 24/06**

Release Date: **June 20, 2006**

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

Summary of Cases Accepted During the Week of June 12

[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.]

#06-63 *Jacob B. v. County of Shasta, S142496.* (C049794; 137 Cal.App.4th 225; Shasta County Superior Court; 149219.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Does the litigation privilege of Civil Code section 47, subdivision (b), bar a cause of action under the state Constitution for invasion of privacy?

#06-64 *North Coast Women's Care Medical Group, Inc. v. Superior Court, S142892.* (D045438; 137 Cal.App.4th 781; San Diego County Superior Court; GIC770165.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the following issue: Does a physician have a constitutional right to refuse on religious grounds to perform a medical procedure for a patient because of the patient's sexual orientation, or do the provisions of the Unruh Act (Civ. Code, § 51) preclude such discrimination in the provision of services notwithstanding the physician's religious beliefs?

#06-65 *Verdin v. Superior Court, S143040.* (E038165; 137 Cal.App.4th 1159; Riverside County Superior Court; BAF003065.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case includes the following issue: Can the prosecution compel a mental examination of the defendant in any criminal case in which the defendant places his or her mental state at issue, even though such an examination is not expressly provided for in the statutes covering discovery in criminal cases?

(over)

#06-66 *People v. Hughes, S142819.* (B180272; unpublished opinion; Los Angeles County Superior Court; TA075386.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Scott*, S136498 (#05-215), which presents the following issue: Did the trial court err in instructing the jury that all employees have constructive possession of their employer's property during a robbery, and, if so, what is the proper standard for determining whether an employee has constructive possession of the employer's property during a robbery?

#06-67 *People v Romero, S142498.* (H028708; unpublished opinion; Santa Cruz County Superior Court; F10294.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Crandell*, S134883 (#05-186), which presents the following issue: Does the imposition of a restitution fine under Penal Code section 1202.4, subdivision (b), violate a defendant's plea agreement if the fine was not an express term of the agreement?

#06-68 *Sohigian v. City of Oakland, S142957.* (A103031; unpublished opinion; Alameda County Superior Court; 2002-065397.) 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 *O'Connell v. City of Stockton*, S135160 (#05-190), which includes the following issue: Does state law preempt a local ordinance providing for the forfeiture of a motor vehicle used to solicit an act of prostitution or to attempt a drug transaction?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Shabazz* (2006) 38 Cal.4th 55:

#05-166 *People v. Yin, S134050.*

#05-183 *People v. Hayes, S134640.*

The following case was dismissed in light of *People v. Smith* (2005) 37 Cal.4th 733 and *People v. Shabazz* (2006) 38 Cal.4th 55:

#05-201 *People v. McMahon, S136165.*

STATUS

People v. Leonard, S054291. The court invited the California Department of Developmental Services to file an amicus brief in this automatic appeal commenting on the merits of the claim by appellant, who suffers from epilepsy, that his murder convictions and death sentence should be reversed because the trial court did not appoint the director of the regional center, or a designee of the director, to examine him as part of the procedure to determine his competence to stand trial. (See Pen. Code, § 1369, subd. (a).)

#06-53 *People v. Carmichael, S141415.* In this case in which review was previously granted, the court ordered briefing deferred pending decision in *People v. Alford, S142508* (#06-52), which presents the following issue: Can the trial court security fee mandated by Penal Code section 1465.8 be imposed on a defendant who committed his or her crime before the effective date of the statute without violating the state and federal constitutional prohibitions against ex post facto laws?

#