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NEWS RELEASE

Release Number: **S.C. 26/05**

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Summary of Cases Accepted During the Week of June 27, 2005

[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.]

#05-145 *People v. Acosta*, S134156. (B170330; unpublished opinion; Los Angeles County Superior Court; VA073500.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

#05-146 *People v. Young*, S133492. (D044200, D044662; unpublished opinion; San Diego County Superior Court; SCS178035.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Acosta* and *Young* deferred pending finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815, regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

#05-147 *McRae v. Department of Corrections*, S133402. (A098073, A098330, A098910, A100745, A104701; 127 Cal.App.4th 779; Alameda County Superior Court; 8107136.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Yanowitz v. L'Oreal USA, Inc.*, S115154 (#03-80), which includes the following issue: How should "adverse employment action" be defined for purposes of an employee's claim of unlawful retaliation under the Fair Employment & Housing Act (Gov. Code, § 12900 et seq.)?

(over)

STATUS

People v. Guerra, S036864. The court requested the parties to file supplemental briefs in this automatic appeal addressing the effect, if any, of *Johnson v. California* (June 13, 2005, No. 04-6964) 545 U.S. ___, 2005 WL 1383731, and *Miller-El v. Dretke* (June 13, 2005, No. 03-9659) 545 U.S. ___, 2005 WL 1383365, on the issues in this case.

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