



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF SEPTEMBER 27, 2004**

[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 description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-108 *People v. Salas*, S126773. (B159750; 119 Cal.App.4th 805, mod. 120 Cal.App.4th 590e; Los Angeles County Superior Court; BA204220.) Petition for review after the Court of Appeal affirmed one judgment of conviction of criminal offenses and reversed another judgment of conviction of criminal offenses. This case presents the following issue: Is Corporations Code section 25110, which makes it unlawful “to offer or sell in this state any security . . . unless such sale has been qualified . . . or unless such security or transaction is exempted,” a strict liability crime, or is it a general intent crime requiring that the defendant know that what he or she sold were unqualified securities and have knowledge of facts making the securities nonexempt?

#04-109 *People v. Narro*, S126892. (B168750; unpublished opinion; Los Angeles County Superior Court; GA045560.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Lopez*, S119294 (#03-136), which presents the following issue: Is a defendant who is convicted of first degree murder with a finding that the crime was committed for the benefit of a criminal street gang within the meaning of Penal Code section 186.22 subject to an enhancement of 10 years under section 186.22, subdivision (b)(1)(C) or instead to a minimum parole eligibility term of

(over)

15 years under section 186.22, subdivision (b)(5), which applies where the defendant is convicted of “a felony punishable by imprisonment in the state prison for life”?

## **STATUS**

#03-126 *People v. Thomas*, S118052. The court directed the parties to file supplemental briefs addressing the following issue: Does Penal Code section 1170.19, subdivision (a)(4), insofar as it requires the prosecutor’s consent to a juvenile court disposition, violate the separation of powers doctrine?

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