



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. 42/07**

Release Date: **October 19, 2007**

Summary of Cases Accepted During the Week of October 15, 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.]

#07-422 *Alliance Payment Systems, Inc. v. Walczel*, S155066.

(A111425; 152 Cal.App.4th 620; San Mateo County Superior Court; CIV431458.) Petition for review after the Court of Appeal affirmed an order granting a new trial in a civil action. The court ordered briefing deferred pending decision in *Edwards v. Arthur Andersen LLP*, S147190 (#06-130), which presents the following issues: (1) Is a non-competition agreement between an employer and an employee that prohibits the employee from performing services for former clients invalid under Business and Professions Code section 16600, unless it falls within the statutory or judicially-created trade secrets exceptions to the statute? (2) Does a contract provision releasing “any and all” claims the employee might have against the employer encompass non-waivable statutory protections, such as the employee indemnity protection of Labor Code section 2802?

#07-423 *People v. Boysen*, S155417. (D046763; 152 Cal.App.4th 1409; San Diego County Superior Court; SCN178931.) Petition for review after the Court of Appeal affirmed an order dismissing a criminal prosecution. The court ordered briefing deferred pending decision in *People v. Nelson*, S147051 (#06-127), which includes the following issue: Was defendant denied his right to a speedy trial under the state and federal Constitutions, where the complaint was filed 26 years after the crime but only two months after DNA tests linked him to the crime?

#07-424 *People v. Brown*, S155093. (H025981; nonpublished opinion; Monterey County Superior Court; SS020847.) 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. Towne*, S125677 (#04-75), and *People v. Nguyen*, S154847 (#07-416), which present issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole, and whether a prior juvenile adjudication of a criminal offense in California can constitutionally subject a defendant to the provisions of the three strikes law (Pen. Code, §§ 667, subds. (b)-(i), 1170.12) although there is no right to a jury trial in juvenile wardship proceedings in this state.