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NEWS RELEASE

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Summary of Cases Accepted During the Week of November 29, 2010

[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.]

#10-136 *People v. Bailey, S187020.* (H034382; 187 Cal.App.4th 1142, mod. 188 Cal.App.4th 327b; Monterey County Superior Court; SS082741.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Upon finding that the prosecution introduced insufficient evidence to support defendant's conviction for escaping from a state prison, could the Court of Appeal reduce the conviction to attempted escape, notwithstanding the trial court's failure to instruct the jury on that offense, or would doing so violate defendant's rights to due process and a jury trial?

#10-137 *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles, S187243.* (B216515; 187 Cal.App.4th 1461; Los Angeles County Superior Court; BS112956.) Petition for review after the Court of Appeal reversed an order granting a petition for writ of administrative mandate. This case presents the following issues: (1) Do the Mello Act (Gov. Code, §§ 65590, 65590.1) and the California Coastal Act of 1976 (Pub. Resources Code, § 30000 et seq.) apply to the conversion of a mobilehome park to resident ownership if the park is located within the coastal zone? (2) Do the limits imposed by Government Code section 66427.5 on the scope of a hearing on an application for conversion of such a mobilehome park to resident ownership prohibit the local authority from requiring compliance with the Mello Act and the California Coastal Act when the mobilehome park is located within the coastal zone?

#10-138 *People v. Schmitz*, S186707. (G040641; 187 Cal.App.4th 722; Orange County Superior Court; 06HF2342.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: When conducting a vehicle search authorized by a passenger's parole condition, can the police search any areas of the vehicle's interior that appear reasonably accessible to the passenger?

DISPOSITIONS

The following case was dismissed as moot (see *People v. Engram* (2010) 50 Cal.4th 1131, 1144, fn. 6):

#09-62 *People v. Wagner*, S175794.

Review in the following cases was dismissed in light of *People v. Engram* (2010) 50 Cal.4th 1131:

#10-01 *People v. Bye*, S178333.

#10-02 *People v. Gonzalez*, S178334.

#10-03 *People v. Stoltie*, S178336.

#10-19 *People v. Minjarez*, S179307.

#10-43 *People v. Boyd*, S180696.

#10-53 *People v. Herring*, S181244.

#10-54 *Herron v. Appellate Division of the Superior Court*, S180662.

#10-110 *People v. Seastrong*, S185079.

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