



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](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

# NEWS RELEASE

Release Number: **S.C. 51/07**

Release Date: **December 21, 2007**

## **Summary of Cases Accepted During the Week of December 17, 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.]*

**#07-469 *People v. Chun*, S157601.** (C049069; 155 Cal.App.4th 170; San Joaquin County Superior Court; SF090168C.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Does the offense of discharging a firearm at an occupied vehicle in violation of Penal Code section 246 merge with a resulting homicide under *People v. Ireland* (1969) 70 Cal.2d 522, if there is no admissible evidence of an independent and collateral criminal purpose other than to commit an assault?

**#07-470 *In re Rogers*, S084292.** Original proceeding. In this case, which is related to the automatic appeal in *People v. Rogers* (2006) 39 Cal.4th 826, the court issued an order to show cause limited to claims of newly discovered evidence and use of false evidence, the prosecution's failure to disclose exculpatory evidence, ineffective assistance of counsel, and cumulative penalty phase error.

**#07-471 *People v. Brock*, S157738.** (B179876; 155 Cal.App.4th 903; Los Angeles County Superior Court; BA261200.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Towne*, S125677 (#04-75), which includes the question whether a trial court violates a defendant's Sixth Amendment right to a jury trial, as interpreted in *Cunningham v. California* (2007) 549 U.S. \_\_\_, 127 S.Ct. 856, by imposing an upper term sentence based on the fact that the defendant had served a prior prison term, the defendant

(more)

was on probation or parole when the crime was committed, or the defendant's prior performance on probation or parole was unsatisfactory, if those aggravating factors were not found true by the jury.

**#07-472 *People v. Grayson*, S157952.** (A114556; 155 Cal.App.4th 1059; Alameda County Superior Court; H39430) 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. Nguyen*, S154847 (#07-416), which concerns 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.

## **DISPOSITION**

Review in the following case was dismissed in light of *Green v. State of California* (2007) 42 Cal.4th 254:

**#06-98 *Williams v. Genentech, Inc.*, S144327.**

#