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NEWS RELEASE

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Summary of Cases Accepted During the Week of June 25, 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.]

#07-257 *People v. Soper, S152667.* (D047875; nonpublished opinion; San Diego County Superior Court; SCN193073.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: In concluding that the trial court abused its discretion when it denied defendant's motion to sever two murder counts for trial, did the CA err in holding that evidence of each murder could not be admitted on the question of intent or motive as to the other murder because identity was at issue and the crimes were not cross-admissible on that point?

#07-258 *State Bd. of Chiropractic Examiners v. Superior Court, S151705.* (C052554; 148 Cal.App.4th 142, mod. 148 Cal.App.4th 1402b; Sacramento County Superior Court; 03AS00948.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate.

#07-259 *Ramirez v. Department of Health Services, S152195.* (C050718; nonpublished opinion; Sacramento County Superior Court; 05AS00889.) Petition for review after the Court of Appeal affirmed the judgment in a civil action.

State Bd. of Chiropractic Examiners and *Ramirez* both present issues concerning whether, under the Whistleblower Protection Act (Gov. Code §8547 et seq.), a state employee may bring a civil action after suffering an adverse decision by the State Personnel Board without successfully seeking a writ of administrative mandate to set aside that decision. The

court ordered briefing in *Ramirez* deferred pending decision in *State Bd. of Chiropractic Examiners*.

In the following cases, which present issues relating to the effect of *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, on California sentencing law, the court ordered briefing deferred pending further order of the court:

#07-260 *People v. Alvarado*, S152403. (B185157; nonpublished opinion; Los Angeles County Superior Court; KA069654.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-261 *People v. Banks*, S152849. (G036873; 149 Cal.App.4th 969; Orange County Superior Court; 04CF3752.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-262 *People v. Baughman*, S152470. (C050147; 149 Cal.App.4th 22; Shasta County Superior Court; 04F9129.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-263 *People v. Crane*, S152820. (C050495; nonpublished opinion; Siskiyou County Superior Court; 050438.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-264 *People v. Gebhardt*, S152884. (E039087; nonpublished opinion; San Bernardino County Superior Court; FSB47288.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-265 *People v. Guess*, S152877. (H029808; 150 Cal.App.4th 148; Santa Clara County Superior Court; CC586136.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-266 *People v. Heims*, S152922. (B188946; nonpublished opinion; Los Angeles County Superior Court; BA275842.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense.

#07-267 *People v. Hernandez*, S152230. (B186089; nonpublished opinion; Los Angeles County Superior Court; BA250842.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-268 *People v. Johnson*, S152823. (A113097; nonpublished opinion; Sonoma County Superior Court; SCR472541.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-269 *People v. Lawrence*, S152885. (D047547; nonpublished opinion; San Diego County Superior Court; SCD189310.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses.

#07-270 *People v. Lee*, S152632. (C052852; nonpublished opinion; Butte County Superior Court; CM022501.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-271 *People v. Maciel*, S152913. (F050064; nonpublished opinion; Kings County Superior Court; 05CM4988.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-272 *People v. Martinez*, S152798. (A104728; nonpublished opinion; Lake County Superior Court; CR5244.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-273 *People v. O'Neal*, S152859. (A112206; nonpublished opinion; Del Norte County Superior Court; CRF059752.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-274 *People v. Ortiz*, S152996. (D047556; nonpublished opinion; San Diego County Superior Court; SCD186547.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-275 *People v. Pacheco*, S153111. (B189441; nonpublished opinion; Los Angeles County Superior Court; BA291350.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-276 *People v. Ramos*, S152693. (F051122; nonpublished opinion; Kings County Superior Court; 06CM1934.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-277 *People v. Raymond*, S152965. (E037922, E039781; nonpublished opinion; Riverside County Superior Court; RIF116893.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense.

#07-278 *People v. Reibstein, S152930.* (E039559; nonpublished opinion; Riverside County Superior Court; INF050125, INIF047073, INF043523.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-279 *People v. Venzor, S152801.* (B186141; nonpublished opinion; Santa Barbara County Superior Court; 1095298.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

DISPOSITION

The following case was transferred for reconsideration in light of *In re Jaime P.* (2007) 40 Cal.4th 128 and *In re Sheena K.* (2007) 40 Cal.4th 128:

#06-23 *In re William R., S139281.*

The following case was transferred for reconsideration in light of *In re Jesus O.* (2007) 40 Cal.4th 859:

#06-41 *In re Roberto A., S142280.*

Review in the following cases was dismissed in light of *Brodie v. Workers' Comp. Appeals Bd.* (2007) 40 Cal.4th 1313:

#07-38 *Davis v. Workers' Comp. Appeals Bd., S149358.*

#07-132 *Torres v. Workers' Comp. Appeals Bd., S149360.*

The following case was transferred for reconsideration in light of *Brodie v. Workers' Comp. Appeals Bd.* (2007) 40 Cal.4th 1313:

#07-74 *Shevchuk v. Workers' Comp. Appeals Bd., S149173.*