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NEWS RELEASE

Release Number: **S.C. 06/09**

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Summary of Cases Accepted During the Week of February 9, 2009

[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.]

#09-05 *People v. Sweig, S168781.* (C057241; 167 Cal.App.4th 1145; Shasta County Superior Court; 06F4395.) Petition for review after the Court of Appeal affirmed an order dismissing a criminal prosecution. This case presents the following issue: Does the Fourth Amendment prohibit a law enforcement officer from entering without a warrant the residence of a person detained for observation under Welfare and Institutions Code section 5150, in order to confiscate deadly weapons as required by Welfare and Institutions Code section 8102, or is such an entry lawful under the “community caretaking exception” to the warrant requirement?

DISPOSITIONS

Review in the following cases was dismissed:

#08-04 *People v. Randall, S157645.*

#08-05 *People v. Superior Court (Smith), S158084.*

Review in the following case was dismissed in light of *Manco Contracting Co. (W.W.L.) v. Bezdikian* (2008) 45 Cal.4th 192:

#08-20 *Guimares v. Northrup Grumman, S158736.*

The following matter was remanded to the State Bar Court to conduct such further proceedings as may be appropriate pursuant to the amended State Bar Rules of Procedure governing the Alternative Discipline Program (Rules Proc. State Bar, rule 800 et seq.):

#08-28 In re Marshall on Discipline, S156550.

STATUS

#08-30 People v. Robinson, S158528. The court directed the parties to file simultaneous letter briefs addressing the effect, if any, of the holding in *Herring v. United States* (2009) ___ U.S. ___. 129 S.Ct. 695, on the issue of whether the exclusionary rule applies to blood samples mistakenly collected from defendant Robinson by law enforcement for inclusion in our state DNA data base.

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