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NEWS RELEASE

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Summary of Cases Accepted During the Week of February 12, 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.]

#07-34 *In re Martinez*, S141480. Original proceeding. In this case, which is related to the automatic appeal in *People v. Martinez* (2003) 31 Cal.4th 673, the court issued an order to show cause on petitioner's claims for relief under Article 36 of the Vienna Convention on Consular Relations, April 24, 1963, 21 U.S.T. 77.

#07-35 *In re Masters*, S130495. Original proceeding. In this case, which is related to the automatic appeal in *People v. Masters*, S016883, the court issued an order to show cause limited to claims of prosecutorial misconduct and recantation by a witness at the penalty phase of trial.

#07-36 *People v. Segura*, S148536. (B189791; 144 Cal.App.4th 200; Los Angeles County Superior Court; KA071474.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Did the trial court have the power, over the People's objection, to rewrite and reduce an agreed-upon material term of a plea agreement that imposed a probationary term on defendant? (2) Did the trial court have the power to reduce the one-year term in county jail imposed pursuant to the plea agreement after defendant had already served the term?

#07-37 *People v. Darling*, S148460. (D047251; nonpublished opinion; San Diego County Superior Court; SCN178962.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred

(over)

pending decision in *People v. Licas*, S140032 (#06-27), which presents the following issue: Is assault with a firearm (Pen. Code § 245, subd. (a)(2)) a lesser included offense of shooting from a vehicle (Pen. Code § 12034, subd. (c))?

#07-38 *Davis v. Workers' Comp. Appeals Bd.*, S149358. (H029544, H029834; 145 Cal.App.4th 324.) The court ordered briefing deferred pending decision in *Brodie v. Workers' Comp. Appeals Bd.*, S146979 (#06-124), and *Welcher v. Workers' Comp. Appeals Bd.*, S147030 (#06-125), which present the following issues: (1) Did the repeal of Labor Code section 4750 and the enactment of new apportionment statutes (Stats. 2004, ch. 34) change the law of apportionment of permanent disability indemnity as determined by this court in *Fuentes v. Workers' Comp. Appeals Bd.* (1976) 16 Cal.3d 1? (2) If so, how is permanent disability indemnity to be apportioned between injuries?

#07-39 *People v. Gutierrez*, S149343. (H029793; nonpublished opinion; Santa Clara County Superior Court; CC466381, CC471404.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-40 *People v. Romeo*, S149410. (H030153; nonpublished opinion; Santa Clara County Superior Court; CC513391.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-41 *People v. Vest*, S149299. (H030128; nonpublished opinion; Santa Clara County Superior Court; CC589538.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Gutierrez*, *Romeo*, and *Vest* deferred pending decision in *People v. Crandell*, S134883 (#05-186), which presents the following issue: Does the imposition of a restitution fine under Penal Code section 1202.4, subdivision (b), violate a defendant's plea agreement if the fine was not an express term of the agreement?

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:

#07-42 *People v. Adame*, S148944. (E039298; nonpublished opinion; Riverside County Superior Court; RIF113660.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-43 *People v. Barrios, S149387.* (B189967; nonpublished opinion; Los Angeles County Superior Court; VA092700.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-44 *People v. Cabrera, S149345.* (B190876; nonpublished opinion; Los Angeles County Superior Court; VA026941.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#07-45 *People v. Contreras, S149366.* (B186551; nonpublished opinion; Santa Barbara County Superior Court; 1175432.) Petition for review after the Court of Appeal affirmed a judgment of a conviction of criminal offense.

#07-46 *People v. Corona, S149486.* (E039509; nonpublished opinion; Riverside County Superior Court; RIF121811.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-47 *People v. Gomez, S149421.* (F049775; nonpublished opinion; Stanislaus County Superior Court; 1088068.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-48 *People v. Hernandez, S149318.* (C051810; nonpublished opinion; Placer County Superior Court; 62053550.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-49 *People v. Stafford, S149273.* (C051859; nonpublished opinion; Glenn County Superior Court; 05SCR02288.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-50 *People v. Stanch, S149312.* (B184949; nonpublished opinion; Los Angeles County Superior Court; YA259625.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-51 *People v. Taylor, S149408.* (H029253; nonpublished opinion; Santa Clara County Superior Court; CC578381.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-52 *People v. Torres, S148670.* (B180930; nonpublished opinion; Los Angeles County Superior Court; VA080220.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-53 *People v. Wilson*, S149566. (G035837; nonpublished opinion; Orange County Superior Court; 04CF0703.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

DISPOSITION

The following case was transferred for reconsideration in light of *People v. Trujillo* (2006) 40 Cal.4th 165:

#05-174 *People v. Thoma*, S134243.

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