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415-865-7740

Lynn Holton
Public Information Officer

NEWS RELEASE

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Summary of Cases Accepted During the Week of March 19, 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.]

#07-105 *In re Raymond C.*, S149728. (C035822; 145 Cal.App.4th 1320; Orange County Superior Court; DL020274.) Petition for review after the Court of Appeal affirmed orders in a wardship proceeding.

#07-106 *People v. Hernandez*, S150038. (C051224, C051602; 146 Cal.App.4th 773; Sacramento County Superior Court; 05F00765, 03F04161.) Review on the court's own motion after the Court of Appeal reversed a judgment of conviction of criminal offenses.

Raymond C. and *Hernandez* both present the following issue: If a police officer sees that a motor vehicle lacks a rear or both license plates, may the officer make a traffic stop to determine if the vehicle has a temporary permit or if a displayed temporary permit is a valid one?

#07-107 *People v. Lopez*, S149364. (E039251; nonpublished opinion; San Bernardino County Superior Court; FSB051759.) Petition for review after the Court of Appeal affirmed a judgment of a conviction of criminal offense.

#07-108 *People v. Olguin*, S149303. (E039342; nonpublished opinion; San Bernardino County Superior Court; FSB051759.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

Lopez and *Olguin* both present the following issue: May a trial court impose a condition of probation requiring a probationer to obtain permission from his or her probation officer in order to own any pet?

#07-109 *Miller v. Bank of America, NT & SA*, S149178. (A110137; 144 Cal.App.4th 1301; San Francisco County Superior Court; 301917.)

(over)

Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Does California law, which provides that a bank account into which public benefit funds or Social Security payments have been electronically deposited is exempt from attachment and execution, prohibit a bank from exercising its right to setoff as to charges — such as overdraft fees and insufficient fund fees — arising out of use of that same account?

#07-110 *People v. Superior Court (Humberto S.)*, S149123. (B193386; 145 Cal.App.4th 32, mod. 145 Cal.App.4th 764a; Los Angeles County Superior Court; TJ15419.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Did the trial court err in recusing trial prosecutors and supervising attorneys after the father of a sexual abuse victim consented to disclosure of her medical and psychiatric records to the defense, but the prosecutors continued to block access to the records?

#07-111 *People v. Floyd*, S149936. (A114159; nonpublished opinion; Lake County Superior Court; CR908603.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-112 *People v. Lacerda*, S149799. (H030026; nonpublished opinion; Santa Clara County Superior Court; FF407302) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Floyd* and *Lacerda* 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:

#07-113 *People v. Bredfield*, S149650. (C050407; nonpublished opinion; Siskiyou County Superior Court; 992126.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-114 *People v. Chambers*, S150171. (C052245; nonpublished opinion; Butte County Superior Court; CM022702.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-115 *People v. Gott, S150311.* (F048866; nonpublished opinion; Fresno County Superior Court; F04907237-2.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-116 *People v. Johnson, S150301.* (F049488; nonpublished opinion; Kern County Superior Court; BF110630A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-117 *People v. Porcayo, S149259.* (C050770; nonpublished opinion; Sutter County Superior Court; CRF040156.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-118 *People v. Riel, S149771.* (G036592; nonpublished opinion; Orange County Superior Court; 02WF0822.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-119 *People v. Sledge, S148843.* (B182288; nonpublished opinion; Los Angeles County Superior Court; MA025218.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-120 *People v. Turner, S150275.* (C050169; nonpublished opinion; Sacramento County Superior Court; 04F01206.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-121 *People v. Weatherspoon, S150239.* (C050357; nonpublished opinion; Yolo County Superior Court; CRF04-6698, CRF00-6620.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Modiri* (2006) 39 Cal.4th 481:

#04-33 *People v. Chi, S123177.*

#04-34 *People v. Sarik, S122921.*

#05-109 *People v. Merchant, S131836.*

#06-13 *People v. Rodriguez, S139081.*

The following case was transferred in light of *People v. Modiri* (2006) 39 Cal.4th 481 and representations made to the court concerning a possible negotiated disposition as to one defendant:

#05-176 *People v. Pena, S134354.*

Review in the following cases was dismissed in light of *Californians for Disability Rights v. Mervyn's, LLC* (2006) 39 Cal.4th 223:

- #05-99 *Bivens v. Corel Corp.*, S132695.**
- #05-100 *Lytwyn v. Fry's Electronics, Inc.*, S133075.**
- #05-165 *Thornton v. Career Training Center, Inc.*, S133938.**
- #05-189 *Cohen v. Health Net of California, Inc.*, S135104.**
- #05-223 *Schwartz v. Visa Internat. Service Assn.*, S138751.**
- #06-22 *Bivens v. Gallery Corp.*, S140396.**

The following cases were transferred for reconsideration in light of *Californians for Disability Rights v. Mervyn's, LLC* (2006) 39 Cal.4th 223:

- #05-182 *Schulz v. Neovi Data Corp.*, S134073.**
- #05-198 *Consumer Advocacy Group, Inc. v. Kintetsu Enterprises of America*, S135587.**
- #06-17 *Hartford Fire Ins. Co. v. Superior Court*, S140272.**
- #06-55 *Young America Corp. v. Superior Court*, S141766.**

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