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# NEWS RELEASE

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## Summary of Cases Accepted During the Week of March 20, 2006

*[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.]*

**#06-31 *Frame v. PricewaterhouseCoopers, LLP, S139410.*** (A106383; 134 Cal.App.4th 396, mod. 134 Cal.App.4th 1394a; Alameda County Superior Court; 2002056106.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issue: Can an auditor that uncovers apparent fraud by a general partner in the course of an audit of a limited partnership be held liable to the limited partners on the theory that the auditor aided and abetted the fraud by not issuing a report after the general partner terminates the audit?

**#06-32 *People v. Gomez, S140612.*** (G034752; 134 Cal.App.4th 1241; Orange County Superior Court; 04NF0131.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Can a defendant be convicted of robbery for using force or fear in the victim's immediate presence while carrying away stolen property, or does such a conviction require that the defendant use force or fear in the victim's immediate presence while taking the property or preventing the victim from regaining it?

**#06-33 *People v. Khalji, S140398.*** (C047212; unpublished opinion; San Joaquin County Superior Court; TF31491A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing 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?