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NEWS RELEASE

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Summary of Cases Accepted During the Week of April 24, 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.]

#06-45 *People v. Evans, S141357.* (A107822; 135 Cal.App.4th 1178; San Mateo County Superior Court; SC056254.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issue: Did the trial court deny defendant due process or violate any right of allocution when it denied his request to speak on his own behalf before the court imposed sentence?

#06-46 *Gentry v. Superior Court, S141502.* (B169805; 135 Cal.App.4th 944; Los Angeles County Superior Court; BC280631.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents issues regarding the enforceability of an arbitration provision that prohibits employee class actions in litigation concerning alleged violations of California's wage and hour laws.

#06-47 *People v. Najera, S141654.* (D046044; 135 Cal.App.4th 1125; San Diego County Superior Court; SCN181843.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: In a theft-related case, does the trial court have a duty to instruct the jury, without a request by any party, with CALJIC No. 2.15 concerning the significance of the defendant's possession of recently stolen property? (See also CALCRIM No. 376 [Possession of Recently Stolen Property as Evidence of a Crime].)

(over)

#06-48 *Vargas v. City of Salinas*, S140911. (H027693; 135 Cal.App.4th 361; Monterey County Superior Court; M61489.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. This case includes the following issue: What is the proper standard for determining when a city has unlawfully expended public funds on improper partisan election campaigning? (See *Stanson v. Mott* (1976) 17 Cal.3d 206.)

#06-49 *Wilson v. 21st Century Ins. Co.*, S141790. (B180323; 136 Cal.App.4th 97; Los Angeles County Superior Court; BC301588.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Does an insurer act in bad faith if it resolves an underinsured motorist bodily injury claim on the basis of the insured's medical records without consulting the insured's treating physician or having the insured examined by a doctor of the insurer's own choice?

#06-50 *Jones v. Citigroup, Inc.*, S141753. (G033663; 135 Cal.App.4th 1491; Orange County Superior Court; 03CC00242.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Gentry v. Superior Court*, S141502 (#06-46), which presents issues regarding the enforceability of an arbitration provision that prohibits employee class actions in litigation concerning alleged violations of California's wage and hour laws.

#06-51 *People v. Vasquez*, S141677. (B181422; 136 Cal.App.4th 898; Los Angeles County Superior Court; VA084547.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Reed*, S136345 (#05-192), which presents the following issue: Does the accusatory pleading test for determining whether one offense is necessarily included in another apply in deciding whether conviction of two charged offenses is proper?

DISPOSITION

Review in the following case was dismissed:

#05-124 *People v. Saphao*, S132399.

STATUS

#05-42 *People v. Trujillo*, S130080. The court directed the parties to file supplemental briefs addressing the following issue: Did the trial court err in ruling that defendant's alleged prior conviction for inflicting corporal injury in violation of Penal Code section 273.5, subdivision (a), was "not a strike"?

#06-41 *In re Roberto A.*, S142280. In this case in which review was previously granted, the court ordered briefing deferred pending decision in *In re Jesus O.*, S140865 (#06-42), which presents the following issue: Is the crime of grand theft *from the person* committed when an assault causes the victim to drop his or her property and the perpetrator takes the property after the victim flees?

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