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NEWS RELEASE

Release Number: **S.C. 17/10**

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Summary of Cases Accepted During the Week of April 26, 2010

[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.]

#10-50 *People v. Maikhio*, S180289. (D055068; 180 Cal.App.4th 1178; San Diego County Superior Court; CA211304.) Petition for review after the Court of Appeal affirmed an order granting a motion to suppress evidence. This case includes the following issues: (1) Do Fish and Game Code sections 1006 and 2012 authorize a warden to make a traffic stop when there is reasonable suspicion to believe the driver has been fishing? (2) Must the warden suspect illegal activity in order to make such a stop? (3) Are hunting and fishing inspections without suspicion of illegal activity justified as “special needs” searches or authorized by implied consent?

#10-51 *People v. Skiles*, S180567. (G040808; 180 Cal.App.4th 1363; Orange County Superior Court; 08HF0799.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Are faxed copies of certified court records admissible to establish that a prior conviction qualifies as a serious or violent felony for purposes of the three strikes law?

#10-52 *People v. Troyer*, S180759. (C059889; nonpublished opinion; Sacramento County Superior Court; 07F06029.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did either the protective-sweep exception or the emergency-aid exception to the Fourth

Amendment requirement of a warrant permit police officers to make a forcible entry into a locked bedroom while responding to a report of a shooting with injuries at the house?

#10-53 *People v. Herring*, S181244. (E048775; nonpublished opinion; Riverside County Superior Court; RIF145497.) Petition for review after the Court of Appeal affirmed an order of dismissal of a criminal proceeding.

#10-54 *Herron v. Appellate Division of the Superior Court*, S180622. (E049624, et al.; nonpublished opinion; Riverside County Superior Court Appellate Division; APP004488, et al.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate.

The court ordered briefing in *Herring* and *Herron* deferred pending decision in *People v. Engram*, S176983 (#09-81), *People v. Hajjaj*, S175307 (#09-61), and *People v. Wagner*, S175794 (#09-62), which include the following issues: (1) Did the trial court err in dismissing this case for violation of defendant's statutory right to a speedy trial on the ground no criminal courtroom was available? (2) Should criminal cases facing dismissal on speedy trial grounds be given precedence over civil cases pursuant to Penal Code section 1050, subdivision (a), either as a matter of law or under the circumstances of this case?

#10-55 *Pellegrino v. Robert Half International, Inc.*, S180849. (G039985; 182 Cal.App.4th 87; 06CC04518.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Harris v. Superior Court*, S156555 (#07-443), which presents the following issue: Do claims adjusters employed by insurance companies fall within the administrative exemption (Cal. Code Regs. tit. 8, § 11040) to the requirement that employees are entitled to overtime compensation?

DISPOSITIONS

Review in the following case was dismissed as moot:

#07-210 *People v. Price*, S151207.

The following case was transferred for reconsideration in light of *In re E.J.* (2010) 47 Cal.4th 1258:

#09-09 *People v. Mosley*, S169411.

Review in the following case was dismissed in light of *In re E.J.* (2010) 47 Cal.4th 1258:

#09-42 *In re A.G.*, S173646.

The following cases were transferred to reconsideration in light of *People v. Lara* (2010) 48 Cal.4th 216 and *People v. Cobb* (2010) 48 Cal.4th 243:

#09-43 *People v. Shady*, S173376.

#10-18 *People v. Jaimes*, S178358.

Review in the following case was dismissed in light of *People v. Lara* (2010) 48 Cal.4th 216 and *People v. Cobb* (2010) 48 Cal.4th 243:

#09-57 *People v. Kopay*, S174154.

Review in the following case was dismissed in light of *People v. Superior Court (Sparks)* (2010) 48 Cal.4th 1:

#09-44 *People v. Superior Court (Rampone)*, S173290.

Review in the following case was dismissed pursuant to the stipulation of the parties in light of the settlement of the action:

#09-49 *Krinsk v. Chiron Corp.*, S174803.

The following case was transferred for reconsideration in light of *Steinhart v. County of Los Angeles* (2010) 47 Cal.4th 1298:

#09-58 *Phelps v. Orange County Assessment Appeals Bd.*, S174418.