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NEWS RELEASE

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Summary of Cases Accepted During the Week of May 7, 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.]

#07-160 *Schatz v. Allen Matkins Lack Gamble & Mallory LLP, S150371.* (D047347; 146 Cal.App.4th 674; San Diego County Superior Court; GIN045182.) Petition for review after the Court of Appeal affirmed an order denying a petition to compel arbitration. This case presents the following issue: Is enforcement of a preexisting arbitration agreement as to a fee dispute between an attorney and client precluded by the Mandatory Fee Arbitration Act (Bus. & Prof. Code, § 6200 et seq.)?

#07-161 *Spielbauer v. County of Santa Clara, S150402.* (H029345; 146 Cal.App.4th 914; Santa Clara County Superior Court; CV031889.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case includes the following issue: If a public employee exercises his or her Fifth Amendment right against self-incrimination in a public employer's investigation of the employee's conduct, must the public employer offer immunity from prosecution before it can dismiss the employee for refusing to answer questions asked in connection with the investigation?

#07-162 *Hernandez v. City of Sacramento, S151356.* (C047180; 147 Cal.App.4th 891; Sacramento County Superior Court; 02AS07396.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *O'Connell v. City of Stockton, S135160* (#05-190), which includes the following issue: Does state law preempt a local ordinance providing for the forfeiture of a motor vehicle used to solicit an act of prostitution or to attempt a drug transaction?

(over)

#07-163 *People v. Lawyer, S151518.* (E039316; nonpublished opinion; San Bernardino County Superior Court; FSB051107.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-164 *People v. Mendez, S151595.* (E040413; nonpublished opinion; San Bernardino County Superior Court; FSB054013.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Lawyer* and *Mendez* deferred pending decision in *People v. Lopez*, S149364 (#07-107), and *People v. Olguin*, S149303 (#07-108), which 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?

#07-165 *People v. Ulloa, S151388.* (H030533; nonpublished opinion; Santa Clara County Superior Court; CC513651.) 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. 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:

#07-166 *People v. Aguilar, S151339.* (E037490; nonpublished opinion; Riverside County Superior Court; SWF003129.) Petition for review after the Court of Appeal reversed in part, remanded for resentencing in part, and otherwise affirmed judgments of conviction of criminal offenses.

#07-167 *People v. Ashbaugh, S150211.* (F047880; nonpublished order; Fresno County Superior Court; F03905454-5.) Petition for review after the Court of Appeal denied a motion to recall the remittitur following an affirmance of a judgment of conviction of criminal offenses.

#07-168 *People v. Barreto, S150843.* (H029455; nonpublished opinion; Santa Cruz County Superior Court; F09489.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-169 *People v. Bell, S150782.* (C045135; nonpublished order; Sacramento County Superior Court; 00F04818.) Petition for review after the Court of Appeal denied a motion

to recall the remittitur following an affirmance of a judgment of conviction of criminal offenses.

#07-170 *People v. Costa, S151236.* (H029681; nonpublished opinion; Santa Clara County Superior Court; CC238138.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-171 *People v. Crouch, S151129.* (A113345; nonpublished opinion; Marin County Superior Court; SC130399A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-172 *People v. Gelashvili, S151559.* (D047844; nonpublished opinion; San Diego County Superior Court; SCD181804.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-173 *People v. Gonzales, S151284.* (F050109; nonpublished opinion; Stanislaus County Superior Court; 1101949.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-174 *People v. Goode, S151404.* (B188383; nonpublished opinion; Los Angeles County Superior Court; 1101949.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-175 *People v. Griffin, S151349.* (C051323; nonpublished opinion; Tehama County Superior Court; NCR65580.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-176 *People v. Hernandez, S151549.* (C053061; 147 Cal.App.4th 1266; Sacramento County Superior Court; 01F04045.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-177 *People v. Jones, S151379.* (B190882; nonpublished opinion; Los Angeles County Superior Court; TA077113.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-178 *People v. Mitchell, S151211.* (F050550; nonpublished opinion; Tuolumne County Superior Court; CRF20339.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-179 *People v. Navarro, S151252.* (F049537; nonpublished opinion; Tulare County Superior Court; VCF138135.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-180 *People v. Paredes, S150643.* (B182323; nonpublished order; Los Angeles County Superior Court; KA065698.) Petition for review after the Court of Appeal denied a motion to recall the remittitur following an affirmance of a judgment of conviction of a criminal offense.

#07-181 *People v. Ross, S150610.* (F050599; nonpublished opinion; Kings County Superior Court; 06CM0972.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-182 *People v. Rushing, S151326.* (E039872; nonpublished opinion; San Bernardino County Superior Court; 03F11000.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#07-183 *People v. Silva, S151631.* (B187449; nonpublished opinion; Santa Barbara County Superior Court; 1140399.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-184 *People v. Valenzuela-Rodriguez, S151524.* (F048766; nonpublished opinion; Kern County Superior Court; BF108962B.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses.

#07-185 *People v. White, S151718.* (B189111; nonpublished opinion; Ventura County Superior Court; 2003034297.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

DISPOSITIONS

The following cases were dismissed in light of *People v. Trujillo* (2006) 40 Cal.4th 165:

#03-30 *People v. Samples, S112201.*

#03-65 *People v. Dale, S114527.*

The following cases were dismissed in light of *Conservatorship of Ben C.* (2007) 40 Cal.4th 529:

#05-161 People v. Smith, S133593.

#06-18 People v. Torres, S139595.

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