



NEWS RELEASE

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Summary of Cases Accepted During the Week of June 9, 2008

[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.]

#08-91 *Costco Wholesale Corp. v. Superior Court*, S163335.

(B197692; 161 Cal.App.4th 488, mod. 161 Cal.App.4th 1513c; Los Angeles County Superior Court; BC296369.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issues: (1) Does the attorney-client privilege (Evid. Code, § 954) protect factual statements that outside counsel conveys to corporate counsel in a legal opinion letter? (2) Does Evidence Code section 915 prohibit a trial court from conducting an in camera review of a legal opinion letter to determine whether the attorney-client privilege protects facts stated in the letter?

#08-92 *People v. Leal*, S162271. (H031174; 160 Cal.App.4th 701; Monterey County Superior Court; SS052319.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Could police search the area that was within defendant's immediate control at the time of his arrest at the door of his house, although, at the time of the search, there was no risk of harm to the officers or potential loss of evidence, because defendant's house had been secured and he was handcuffed in a patrol car over 30 feet away? The court ordered briefing deferred pending the decision of the United States Supreme Court in *Arizona v. Gant*, No. 07-542, cert. granted Feb. 25, 2008, ___ U.S. ___ [128 S.Ct. 1443, 170 L.Ed.2d 274], or further order of this court.

#08-93 *In re Avalos*, S162509. (B202101; nonpublished opinion; Los Angeles County Superior Court; BH004543.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus.

#08-94 *In re Parker*, S162423. (C054210; nonpublished opinion; San Joaquin County Superior Court; SC041511A.) Petition for review after the Court of Appeal affirmed in part and reversed in part an order granting a petition for writ of habeas corpus.

The court ordered briefing in *Avalos* and *Parker* deferred pending decision in *In re Lawrence*, S154018 (#07-399), *In re Shaputis*, S155872 (#07-428), and *In re Jacobson*, S156416 (#07-461), which include the following issue: In making parole suitability determinations for life prisoners, to what extent should the Board of Parole Hearings, under Penal Code section 3041, and the Governor, under Article V, section 8(b) of the California Constitution and Penal Code section 3041.2, consider the prisoner's current dangerousness, and at what point, if ever, is the gravity of the commitment offense and prior criminality insufficient to deny parole when the prisoner otherwise appears rehabilitated?

#08-95 *In re Ivan C.*, S162502. (D050831; nonpublished opinion; Imperial County Superior Court; JLL23682.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re Jose C.*, S158043 (#08-12), which presents the following issue: Can a juvenile wardship proceeding under Welfare and Institutions Code section 602 be predicated entirely on the violation of a federal statute?

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Crandell* (2008) 40 Cal.4th 1301:

#06-128 *People v. Cruz*, S147076.

Review in the following cases was dismissed in light of *People v. Gomez* (2008) 43 Cal.4th 249:

06-129 *People v. Johnson*, S146207.

08-40 *People v. Gunter*, S158890.

Review in the following cases was dismissed in light of *People v. Black* (2007) 41 Cal.4th 799:

- #07-17 *People v. Berry*, S148112.**
- #07-45 *People v. Contreras*, S149366.**
- #07-63 *People v. Mitre*, S149272.**
- #07-81 *People v. Myles*, S149601.**
- #07-32 *People v. Smith*, S148918.**

The following cases were transferred for reconsideration in light of *People v. Black* (2007) 41 Cal.4th 799 and *People v. Sandoval* (2007) 41 Cal.4th 825:

- #07-75 *People v. Akins*, S149722.**
- #07-139 *People v. Carmona*, S149580.**
- #07-154 *People v. Segade*, S149843.**
- #07-33 *People v. Thompson*, S148969.**

Review in the following cases was dismissed in light of *People v. French* (2008) 43 Cal.4th 36:

- #07-448 *People v. Ayala*, S157148.**
- #07-138 *People v. Berry*, S149842.**
- #07-290 *People v. Mayzes*, S153247.**
- #07-328 *People v. Selitsch*, S153575.**
- #07-436 *People v. Vasquez*, S156297.**

The following cases were transferred for reconsideration in light of *People v. French* (2008) 43 Cal.4th 36:

- #07-262 *People v. Baughman*, S152470.**
- #07-91 *People v. Beswetherick*, S149804.**
- #07-177 *People v. Jones*, S151379.**
- #07-449 *People v. Lacerda*, S157590.**
- #08-21 *People v. Marble*, S159324.**
- #08-22 *People v. McMillon*, S159136.**
- #07-80 *People v. Myers*, S149657.**
- #07-28 *People v. Plascencia*, S149251.**
- #07-348 *People v. Rodriguez*, S153436.**

#07-381 *People v. Soto*, S154293.

#08-43 *People v. Tilley*, S159328.

STATUS

In the following cases in which briefing was previously ordered deferred pending further order of the court, the court ordered action deferred pending decision in *People v. Towne*, S125677 (#04-75), which presents issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole:

#07-170 *People v. Costa*, S151236.

#07-266 *People v. Heims*, S152922.

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