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NEWS RELEASE

Release Number: **S.C. 29/08**

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Summary of Cases Accepted During the Week of July 14, 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.]

#08-113 *Imperial Merchants Services, Inc. v. Hunt*, S163577. (9th Cir. No. 07-15976; 528 F.3d 1129; Northern District of California; C05-04993 MJJ, C05-02037 MJJ.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: “May a debt collector recovering on a dishonored check impose both a service charge under Civil Code section 1719 and prejudgment interest under Civil Code section 3287?”

#08-114 *People v. Baltazar*, S164248. (D050137; nonpublished opinion; San Diego County Superior Court; SCE236907.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Nguyen*, S154847 (#07-416), which presents the following issue: Can a prior juvenile adjudication of a criminal offense in California constitutionally subject a defendant to the provisions of the three strikes law (Pen. Code, §§ 667, subds. (b)-(i), 1170.12) although there is no right to a jury trial in juvenile wardship proceedings in this state?

#08-115 *People v. Spillman*, S163791. (H030551; nonpublished opinion; Monterey County Superior Court; SS031841.) 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. Chun*, S157601 (#07-469), which presents the following issue: Does the offense of discharging a firearm at an occupied vehicle in

violation of Penal Code section 246 merge with a resulting homicide under *People v. Ireland* (1969) 70 Cal.2d 522, if there is no admissible evidence of an independent and collateral criminal purpose other than to commit an assault?

DISPOSITIONS

The following cases were transferred for reconsideration in light of *People v. Gonzalez* (2008) 43 Cal.4th 1118:

#07-368 People v. Ybarra, S152984.

#07-454 People v. Warner, S157246.

#08-58 People v. Sun, S159495.

#08-68 People v. McFearson, S160601.