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NEWS RELEASE

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Summary of Cases Accepted During the Week of August 11, 2009

#09-40 *People v. Coon*, S173359. (D052722; 173 Cal.App.4th 258; San Diego County Superior Court; SCD199153.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Are faxed copies of certified court records admissible to establish that a defendant was on bail when he or she committed additional offenses and is thus subject to an enhancement under Penal Code section 12022.1?

#09-41 *Minkler v. Safeco Ins. Co.*, S174016. (9th Cir. No. 07-56689; 561 F.3d 1033; Central District of California; CV-07-04374-MMM.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. As restated by the court, the question presented is: "Where a contract of liability insurance covering multiple insureds contains a severability clause, does an exclusion barring coverage for injuries arising out of the intentional acts of 'an insured' bar coverage for claims that one insured negligently failed to prevent the intentional acts of another insured?"

#09-42 *In re A.G.*, S173646. (B200748; nonpublished opinion; Los Angeles County Superior Court; FJ37215.) Review on the court's own motion after the Court of Appeal affirmed orders in a wardship proceeding. The court ordered briefing deferred pending decision in *In re E.J.*, S156933 (#07-457), which concerns whether the residency restrictions imposed by Penal Code section 3003.5 on persons required to register as sex offenders violate the ex post facto clauses of the state and federal Constitutions, have been impermissibly retroactively applied, constitute an unreasonable parole condition, impinge on substantive due process rights, or are unconstitutionally vague.

#09-43 *People v. Shady*, S173376. (E042986; nonpublished opinion; Riverside County Superior Court; RIF096191.) Petition for review after the Court of Appeal reversed an order extending a commitment as a mentally disordered offender. The court ordered briefing deferred pending decision in *People v. Cobb*, S159410 (#08-50), which presents the following issues: (1) Was defendant denied due process and a fair trial by delay in the prosecution of a petition for continued involuntary treatment and continued detention until 23 days after his release date? (2) Did defendant's pre-parole certification as a mentally disordered offender, which required him to accept treatment as a condition of parole, suffice to justify his continued detention pending trial on a petition for continued involuntary treatment?

#09-44 *People v. Superior Court (Rampone)*, S173290. (C060522; nonpublished opinion; Yuba County Superior Court; CRF050000699.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *People v. Superior Court (Sparks)*, S164614 (#08-145), which presents the following issues: (1) Did principles of collateral estoppel, as applied in *People v. Taylor* (1974) 12 Cal.3d 686, preclude the prosecution from trying defendant for murder on a felony-murder theory after the actual killer had been acquitted of murder on such a theory? (2) Is *Taylor* still good law, or should that decision be overruled or disapproved?

STATUS

#08-88 *McCann v. Foster Wheeler*, S162435. The court requested the parties to file simultaneous letter briefs addressing the effect, if any, on the issue presented in this case of a new Oklahoma statute, enacted in May 2009, relating to the time for filing a cause of action for an asbestos-related claim. (2009 Okla. House Bill No. 1603, § 64, subd. A [enacted into law on May 29, 2009, as ch. 228] ["Notwithstanding any other provision of law, with respect to any asbestos or silica claim not barred as of the effective date of this act, the limitations period shall not begin to run until the exposed person or claimant discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person or claimant is physically impaired as set forth in this chapter by an asbestos- or silica-related condition."].)