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NEWS RELEASE

Release Number: **S.C. 34/09**

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Summary of Cases Accepted During the Week of August 24, 2009

[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.]

#09-49 *Kirnsk v. Chiron Corp.*, S174803. (D052915; nonpublished opinion; San Diego County Superior Court; GIC878087.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does plaintiff have standing to sue defendant for the diminution in the value of his stock resulting from corporate misconduct that allegedly induced him to retain rather than sell his shares?

#09-50 *People v. Mena*, S173973. (D052091; 173 Cal.App.4th 1446; San Diego County Superior Court; SCD205930.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did defendant forfeit his right to appeal the denial of his request for a physical identification lineup prior to the preliminary hearing (see *Evans v. Superior Court* (1974) 11 Cal.3d 617) because he failed to seek immediate review of the ruling by filing a petition for writ of mandate?

DISPOSITION

The court ordered review in the following case dismissed in light of *People v. Medina* (2009) 46 Cal.4th 913:

#09-12 *People v. Martinez*, S170016.

STATUS

#08-128 *People v. Albillar*, S163905. The court requested the parties to file supplemental letter briefs directed to the question of whether the phrase “felonious criminal conduct,” appearing in Penal Code section 186.22, subdivision (a) should be interpreted to mean felonious criminal *gang-related* conduct.

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