



NEWS RELEASE

Release Number: **S.C. 43/06**

Release Date: **October 27, 2006**

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of October 23, 2006

[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.]

#06-115 *Shin v. Ahn, S146114.* (B184638; 141 Cal.App.4th 726; Los Angeles County Superior Court; SC080477.) Petition for review after the Court of Appeal affirmed an order granting a new trial in a civil action. This case includes the following issue: Is the doctrine of primary assumption of the risk applicable under the circumstances of this case in which defendant allegedly hit a golf ball from the tee without ascertaining the location of another golfer in his party and the ball struck and injured the other golfer?

#06-116 *In re Smith, S145959.* (B184548; 141 Cal.App.4th 217; Los Angeles County Superior Court; ZM007064, NA052811.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Can a proceeding to commit a defendant as a sexually violent predator be maintained if the conviction on which the defendant was serving a prison sentence at the time that the sexually violent predator proceedings were initiated has been subsequently reversed on appeal?

#06-117 *People v. Curlee, S146646.* (H029700; unpublished opinion; Santa Cruz County Superior Court; F11065.) 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. 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?