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NEWS RELEASE

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Summary of Cases Accepted During the Week of January 10, 2011

[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.]

#11-01 *People v. Rodriguez, S187680.* (C060227; 188 Cal.App.4th 722; Yuba County Superior Court; CRF07288.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. This case presents the following issue: May an active participant in a criminal street gang be found guilty of violating Penal Code section 186.22, subdivision (a), when, acting entirely alone, he commits a felony, and there is no other evidence indicating the crime had anything to do with the gang?

#11-02 *People v. Runyan, S187804.* (B218863; 188 Cal.App.4th 1010; Los Angeles County Superior Court; BA322080.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did the trial court err in awarding restitution to a manslaughter victim's estate as a "direct victim" of the crime within the meaning of Penal Code section 1202.4, subdivision (k)(2)?

#11-03 *Smith v. Superior Court, S188068.* (A124763; 189 Cal.App.4th 769; San Francisco County Superior Court; 207788.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate. This case presents the following issues: (1) When a defendant has asserted his or her statutory right to a speedy trial within 60 days, but a jointly-charged codefendant has requested a trial beyond the 60-day period because of his or her counsel's unavailability for good cause, may the 10-day grace period described in Penal Code section 1382, subdivision (a)(2)(B), be applied to the objecting defendant? (2) In such

circumstances, does good cause exist under Penal Code section 1382, subdivision (a), or Penal Code section 1050.1 to continue the objecting defendant's trial to maintain joinder?

#11-04 *Alvarez v. Kmart Holding Corp.*, S188021. (D056005; nonpublished opinion; San Diego County Superior Court; 37-2008-00097746-CU-NP-CTL.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Pineda v. Williams-Sonoma Stores, Inc.*, S178241 (#10-15), which presents the following issue: Does a retailer violate the Song-Beverly Credit Card Act of 1971 (Civ. Code, § 1747 et seq.), which prohibits retailers from recording a customer's "personal identification information" when the customer uses a credit card in a transaction, by recording a customer's zip code for the purpose of later using it and the customer's name to obtain the customer's address through a reverse search database?

DISPOSITION

The following case was transferred for reconsideration in light of *Moore v. Superior Court* (2010) 50 Cal.4th 802:

#10-86 *Wilson v. Superior Court*, S182340.

STATUS

#08-61 *Voices of the Wetlands v. State Water Resources Control Bd.*, S160211. The court requested letter responses from the parties to factual questions regarding the status of the underlying project at issue in this case.

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