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## NEWS RELEASE

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# Summary of Cases Accepted Week of During the January 31, 2005

[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 description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

**#05-23 *City of Hope National Medical Center v. Genentech, Inc., S129463.*** (B161549; 123 Cal.App.4th 306, mod. 123 Cal.App.4th 1501b; Los Angeles County Superior Court; BC215152.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: When an inventor or researcher entrusts a new idea or discovery to another under an arrangement providing for the other party to develop, patent, and commercially exploit the idea or discovery in return for royalties to be paid to the inventor or researcher, does a fiduciary relationship arise between the two parties, a breach of which may support tort, and in an appropriate case punitive, damages, or should the arrangement be treated like an ordinary contractual agreement, a breach of which supports only contract and not punitive damages?

**#05-24 *Crew on Habeas Corpus, S107856.*** Original proceeding. In this case, which is related to the automatic appeal in *People v. Crew* (2003) 31 Cal.4th 822, the court issued an order to show cause limited to the following claim: Is petitioner entitled to relief from the judgment of death on the ground that trial counsel failed to adequately investigate and present mitigating evidence at the penalty phase of petitioner's trial?

**#05-25 *People v. Standish, S129755.*** (B166344; 123 Cal.App.4th 799; Los Angeles County Superior Court; MA025716) Petition for review after the Court of Appeal affirmed an order setting aside information. This case presents the following issues: (1) If the magistrate finds good cause to continue the preliminary hearing more than 10 days after arraignment, does Penal Code section 859b require the magistrate to release the defendant upon his or her own recognizance, regardless of the interests of public safety? (2) If the magistrate fails to release the

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defendant upon his or her own recognizance in such circumstances, must the case be dismissed under Penal Code section 995?

**#05-26 *People v. Hughes, S130201.*** (A105756; unpublished opinion; Sonoma County Superior Court; MCR429522.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

**#05-27 *People v. Murillo, S130323.*** (D042605; unpublished opinion; San Diego County Superior Court; SCE222140.) 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 in *Hughes* and *Murillo* deferred pending decision in *People v. Black*, S126182 (#04-83) and *People v. Towne*, S125677 (#04-75), which include the following issues: (1) Does *Blakely v. Washington* (2004) 542 U.S. \_\_, 124 S.Ct. 2531, preclude a trial court from making findings on aggravating factors in support of an upper term sentence? (2) What effect does *Blakely* have on a trial court's imposition of consecutive sentences?

## STATUS

**#05-19 *Quest International, Inc. v. Icode Corporation, S128935.*** In this case, in which briefing was previously deferred pending decision in *Le Francois v Goel*, S126630 (#04-98), the court ordered briefing on the following issues: (1) Did the Court of Appeal correctly dismiss this appeal? (2) What is the relevance, if any, of Code of Civil Procedure section 581d in this matter?

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