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NEWS RELEASE

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Summary Of Cases Accepted During The Week Of February 21, 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.]

#05-43 *People v. Superior Court (Decker)*, S130489. (B176608; 124 Cal.App.4th 104; Los Angeles County Superior Court; GA054599.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate. This case presents the following issue: When the evidence presented at the preliminary hearing indicates that defendant paid an individual who defendant believed was a hired assassin (but who actually was an undercover officer) to murder a specified victim and gave the ostensible assassin information about the victim, can defendant be prosecuted for attempted murder or only for solicitation of murder?

#05-44 *Stephens v. County of Tulare*, S129794. (F044123; 123 Cal.App.4th 964; Tulare County Superior Court; 205376.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issue: Was an injured county employee “dismissed . . . for disability” within the meaning of Government Code section 31725, and thus entitled to back pay upon reinstatement, where the employing agency had sent him a letter stating that he should not return to work until he either could do so without restrictions or was able to perform the light duty tasks required in his latest assignment without further complaint or injury?

#05-45 *People v. Ackerman*, S130086. (H026899; 124 Cal.App.4th 184; Santa Clara County Superior Court; CC304438.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

(over)

#05-46 *People v. Emerson*, S130065. (C045613; 124 Cal.App.4th 171; Placer County Superior Court; 6237408.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#05-47 *People v. Jordan*, S130532. (D042720; unpublished opinion; San Diego County Superior Court; SCE226816.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#05-48 *People v. Prieto*, S130611. (B172963; 124 Cal.App.4th 941; Los Angeles County Superior Court; VA065206.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

The court ordered briefing in *Ackerman*, *Emerson*, *Jordan*, and *Prieto* 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?

#05-49 *People v. Ristau*, S130191. (H025445; 123 Cal.App.4th 1436; Santa Clara County Superior Court; 210662.) 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 deferred pending decision in *People v. Salas*, S126773 (#04-108), which presents the following issue: Is Corporations Code section 25110, which makes it unlawful "to offer or sell in this state any security . . . unless such sale has been qualified . . . or unless such security or transaction is exempted," a strict liability crime, or is it a general intent crime requiring that the defendant know that what he or she sold were unqualified securities and have knowledge of facts making the securities nonexempt?

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