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Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

NEWS RELEASE

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Summary of Cases Accepted During the Week of February 27, 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.]

#06-26 *People v. Cross, S139791.* (H027519; 134 Cal.App.4th 500; Santa Clara County Superior Court; CC319761.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the following issues: (1) Can a legal, surgical abortion support an enhancement under Penal Code section 12022.7 for the defendant's personal infliction of great bodily injury in committing the offense that led to the victim's pregnancy? (2) Can the pregnancy itself constitute such great bodily injury?

#06-27 *People v. Licas, S140032.* (G034891; 134 Cal.App.4th 566; Orange County Superior Court; 03NF3780.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Is assault with a firearm (Pen. Code § 245, subd. (a)(2)) a lesser included offense of shooting from a vehicle (Pen. Code § 12034, subd. (c))?

#06-28 *Viva! Internat. Voice for Animals v. Adidas Promotional Retail Operations, Inc., S140064.* (A106960; 134 Cal.App.4th 133; San Francisco County Superior Court; 420214.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does the doctrine of conflict preemption preclude California from prohibiting importation and trade of wildlife that have been delisted under the federal Endangered Species Act and thus are not currently regulated by federal law?

(over)

#06-29 Cathedral City Redevelopment Agency v. Stickles, S140544. (E036456; 134 Cal.App.4th 1406; Riverside County Superior Court; INC032826.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Mt. San Jacinto Community College Dist. v. Superior Court*, S132251 (#05-111), which presents the following issue: In a “quick take” eminent domain proceeding (Code Civ. Proc., § 1263.110 et seq.), in which the condemnor deposits “probable compensation” for the property and has a right to take possession before any issues are tried, as of what date should the value of the property be determined when the owner of the property does not exercise its right to withdraw the funds and instead litigates the condemnor’s right to take the property?

DISPOSITION

Review in the following case was dismissed in light of *People v. Partida* (2005) 37 Cal.4th 428:

#05-193 People v. Baylor, S135631.

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