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NEWS RELEASE

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Summary of Cases Accepted During the Week of March 10, 2008

[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.]

#08-49 *People v. Bonnetta*, S159133. (A115732; 156 Cal.App.4th 1315; Contra Costa County Superior Court; 050516658.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. This case presents the following issue: Must an appellate court automatically reverse a trial court's order striking enhancements pursuant to Penal Code section 1385 because the trial court, although it stated its reasons for dismissal on the record, failed to enter the reasons upon the minutes, or can the error be found harmless?

#08-50 *People v. Cobb*, S159410. (E040848; 157 Cal.App.4th 393; Riverside County Superior Court; RIF091750.) Petition for review after the Court of Appeal affirmed an order extending a commitment as a mentally disordered offender. The court limited review to the following issues: (1) Was defendant denied due process and a fair trial by delay in the prosecution of a petition for continued involuntary treatment and continued detention until 23 days after his release date? (2) Did defendant's pre-parole certification as a mentally disordered offender, which required him to accept treatment as a condition of parole, suffice to justify his continued detention pending trial on a petition for continued involuntary treatment?

#08-51 *People v. Rodriguez*, S159497. (B179600; 157 Cal.App.4th 14, mod. 157 Cal.App.4th 1174a; Los Angeles County Superior Court; MA025392.) Petition for review after the Court of Appeal modified and

affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Does Penal Code section 654 apply to sentence enhancements that derive from the nature of the offense? (2) Did the trial court err in this case by imposing enhancements for personal use of a firearm (Pen. Code, § 12022.5, subs. (a)) and committing a crime for the benefit of a criminal street gang (Pen. Code, § 186.22, subd. (b))?

#08-52 *People v. Conerly*, S159336. (A113827; nonpublished opinion; San Francisco County Superior Court; 193977.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses.

#08-53 *People v. Curtis*, S160502. (B192414; nonpublished opinion; Los Angeles County Superior Court; SA058830.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#08-54 *People Guess*, S160395. (H029808; 158 Cal.App.4th 283; Santa Clara County Superior Court; CC586136.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#08-55 *People v. Herrera*, S160399. (B194531; nonpublished opinion; Los Angeles County Superior Court; TA066571.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#08-56 *People v. Silla*, S160544. (B191989; nonpublished opinion; Los Angeles County Superior Court; SA038481.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#08-57 *People v. Tucek*, S159871. (F049306; nonpublished opinion; Madera County Superior Court; SCR005088.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *Conerly*, *Curtis*, *Guess*, *Herrera*, *Silla*, and *Tucek* deferred pending decision in *People v. Towne*, S125677 (#04-75), which presents issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole.

#08-58 *People v. Sun*, S159495. (B194690; 157 Cal.App.4th 277; Los Angeles County Superior Court; GA055979.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Gonzalez*, S149898 (#07-86), which presents the following issue: When separate firearm enhancements under Penal Code section

12022.5 and subdivisions (b), (c), and/or (d) of section 12022.53 are found true and the longest enhancement is imposed, should the lesser enhancements be stricken, stayed or simply not imposed at all?

STATUS

#06-64 North Coast Women's Care Medical Group, Inc. v. Superior Court, S142892.

The court directed the parties to file simultaneous letter briefs addressing the following issue decided by the Court of Appeal: Was the trial court's grant of summary adjudication of defendants' affirmative defense No. 32 inconsistent with Code of Civil Procedure section 437c?