



# NEWS

Judicial Council of California  
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Public Information Office  
(415) 865-7740

Lynn Holton, Public Information Officer

Release Date: March 29, 2004

Release Number: S.C. 13/04

## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MARCH 22, 2004**

[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.]

#04-24 *People v. Gonzalez*, S122240. (B154557; unpublished opinion; Los Angeles County Superior Court; BA172833.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Did the following statement made by defendant to police during custodial interrogation—“[I]f for anything you guys are going to charge me I want to talk to a public defender too, for any little thing”—constitute an unambiguous invocation of defendant’s right to counsel under *Davis v. United States* (1994) 512 U.S. 452 and render subsequent statements by defendant to police inadmissible at trial? (2) If so, was defendant prejudiced by the admission of those statements at trial?

#04-25 *Johnson v. Ford Motor Co.*, S121723. (F040188, F040529; unpublished opinion; Fresno County Superior Court; 647076-9.) Petition for review after the Court of Appeal modified and affirmed the judgment in a civil action. This case includes the following issue: Can the measure of punitive damages in California be based upon principles of general deterrence of wrongful conduct in this state and/or disgorgement of profits obtained by wrongful acts in this state, or is an award of punitive damages limited

(over)

by *State Farm Mut. Auto Ins. Co. v. Campbell* (2003) 538 U.S. 408 to the amount sufficient to punish the tortfeasor for the harm caused the individual plaintiff?

#04-26 *Simon v. San Paolo United States Holding Co., Inc.*, S121933. (B121917; 113 Cal.App.4th 1137; Los Angeles County Superior Court; BC152431.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: In determining whether an award of punitive damages violated due process under the principles of *State Farm Mut. Auto Ins. Co. v. Campbell* (2003) 538 U.S. 1137408, should the ratio between compensatory and punitive damages be based solely on the actual compensatory damages awarded or on the plaintiff's uncompensated loss due to statutory limitations?

#04-27 *Sterling v. Taylor*, S121676. (B162961; 113 Cal.App.4th 931; Los Angeles County Superior Court; SC065807.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Did writings exchanged between the parties satisfy the statute of frauds and result in an enforceable agreement for the sale of real property?

#04-28 *People v. Alexander*, S122031. (C041257; unpublished opinion; San Joaquin County Superior Court; SF082949A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *Warrick v. Superior Court*, S115738 (#03-90), which presents the following issue: Must a criminal defendant provide "a specific factual scenario establishing a plausible factual foundation" for allegations of misconduct by law enforcement officers in order to obtain discovery of peace officer personnel records under the applicable statutory provisions? (See Evid. Code, §§ 1043-1045; Pen. Code, §§ 832.7, 832.8; *City of Santa Cruz v. Municipal Court* (1989) 49 Cal.3d 74; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.)

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