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# NEWS RELEASE

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## Summary of Cases Accepted During the Week of May 8, 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.]*

**#06-52 *People v. Alford*, S142508.** (A109478; 137 Cal.App.4th 612; Alameda County Superior Court; 146177.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

**#06-53 *People v. Carmichael*, S141415.** (A106894; 135 Cal.App.4th 937; Contra Costa County Superior Court; 5-032055-6.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

The court limited review in *Alford* to the following issue, which is also presented in *Carmichael*: Can the trial court security fee mandated by Penal Code section 1465.8 be imposed on a defendant who committed his or her crime before the effective date of the statute without violating the state and federal constitutional prohibitions against ex post facto laws?

**#06-54 *People v. Kelly*, S141359.** (E036170; unpublished opinion; San Bernardino County Superior Court; FSB026013.) Petition for review after the Court of Appeal modified and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Johnson*, S127602 (#05-212), which presents the following issue: What is the appropriate remedy for *Wheeler/Batson* error (*People v. Wheeler* (1978) 22 Cal.3d 258; *Batson v. Kentucky* (1986) 476 U.S. 79) in this case—outright reversal of

(over)

defendant's conviction or a limited remand to permit the trial court to inquire into the prosecutor's reasons for removing minority jurors?

**#06-55 *Young America Corp. v. Superior Court*, S141766.** (C049337; unpublished opinion; Sacramento County Superior Court; 02AS01561.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Californians for Disability Rights v. Mervyn's*, S131798 (#05-93), and *Branick v. Downey Savings & Loan Assn.*, S132433 (#05-94), which present the following issues: (1) Do the provisions of Proposition 64 (Gen. Elec. (Nov. 2, 2004)) that limit standing to bring an action under the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) to "any person who has suffered injury in fact and has lost money or property as a result of such unfair competition" (Bus. & Prof. Code, § 17204, as amended) apply to actions pending when the provisions of the proposition became effective on November 3, 2004? (2) If the standing limitations of Proposition 64 apply to actions under the Unfair Competition Law that were pending on November 3, 2004, may a plaintiff amend his or her complaint to substitute in or add a party that satisfies the standing requirements of Business and Professions Code section 17204, as amended, and does such an amended complaint relate back to the initial complaint for statute of limitations purposes?

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