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NEWS RELEASE

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Summary of Cases Accepted During the Week of June 23, 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.]

#08-103 *Munson v. Del Taco, Inc.*, S162818. (9th Cir. No. 06-56208; 522 F.3d 997; Central District of California; CV 05-5942 AHM.)

Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented, as restated by this court, are: “(1) Must a plaintiff who seeks damages under California Civil Code section 52, claiming the denial of full and equal treatment on the basis of disability in violation of the Unruh Civil Rights Act (Civ. Code, § 51) and the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), prove ‘intentional discrimination’? (2) If the answer to Question 1 is ‘yes,’ what does ‘intentional discrimination’ mean in this context?”

#08-104 *People v. Stone*, S162675. (F051812; 160 Cal.App.4th 937; Kings County Superior Court; 0CM4433.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issues: (1) In a prosecution for a single count of attempted murder, did the trial court err by instructing the jury on the “kill zone” concept (see *People v. Bland* (2002) 28 Cal.4th 313) when defendant fired a single shot into a crowd although he was ostensibly not shooting at anyone in particular and there was no “primary” target? (2) Did substantial evidence support defendant’s conviction for attempted murder in this case?

#08-105 *People v. Pinks*, S163214. (B198046; nonpublished opinion; Los Angeles County Superior Court; KA076726.) 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. Scott*, S136498 (#05-215), which presents the following issue: Did the trial court err in instructing the jury that all employees have constructive possession of their employer's property during a robbery, and, if so, what is the proper standard for determining whether an employee has constructive possession of the employer's property during a robbery?

#08-106 *In re Raymundo S.*, S163132. (D050830; nonpublished opinion; Imperial County Superior Court; JIL23662.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re Jose C.*, S158043 (#08-12), which presents the following issue: Can a juvenile wardship proceeding under Welfare and Institutions Code section 602 be predicated entirely on the violation of a federal statute?

DISPOSITIONS

The following case was transferred for reconsideration in light of *Mays v. City of Los Angeles* (2008) 43 Cal.4th 313:

#08-69 *Quihuis v. City of Los Angeles*, S161544.

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