



JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
OF THE COURTS  
Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

415-865-7740

Lynn Holton  
Public Information Officer

# NEWS RELEASE

Release Number: **S.C. 35/06**

Release Date: **September 1, 2006**

## Summary of Cases Accepted During the Week of August 28, 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.]*

**#06-99 *Manta Management Corp. v. City of San Bernardino*, S144492.** (E036942; 139 Cal.App.4th 447, mod. 139 Cal.App.4th 1209b; San Bernardino County Superior Court; SCVSS18157.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Can a municipality be held liable for damages under the federal Civil Rights Act (42 U.S.C. § 1983) for obtaining a preliminary injunction to enforce an ordinance that is later found to be invalid as an unconstitutional impingement on the First Amendment right to freedom of speech?

**#06-100 *People v. Shazier*, S144419.** (H028674; 139 Cal.App.4th 294; Santa Clara County Superior Court; 210813.) Petition for review after the Court of Appeal reversed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending decision in *People v. Lopez*, S143615 (#06-78), which presents the following issue: Did the prosecutor commit misconduct during closing argument?

### STATUS

**#05-29 *People v. Calhoun*, S129896.** The court limited the issues to be briefed and argued to the following issues: (1) Was defendant Lawrence Lamont Calhoun, who admits he was guilty of gross vehicular manslaughter as an aider and abettor because he engaged in a street race during which his opponent crashed into the victims' car, subject to an enhancement under Vehicle Code section 20001, subdivision (c), for

(over)

fleeing the scene after “committing” gross vehicular manslaughter? (2) Can an upper term sentence be imposed for gross vehicular manslaughter based upon multiple victims as an aggravating factor, even though only one victim was named in each count?

#