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Lynn Holton
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NEWS RELEASE

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Summary of Cases Accepted During the Week of September 10, 2007

[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.]

#07-391 *Conroy v. Regents of University of California*, S153002.

(G035537; 151 Cal.App.4th 132; Orange County Superior Court; 00CC01942.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Could the surviving spouse of a person who donated his body for medical research sue in contract or in tort based on claim the university failed to keep track of her husband's body, failed to contact her before disposing of the remains, and allegedly mishandled or treated the remains improperly or in a manner not permitted by the donative contract?

#07-392 *Episcopal Church Cases*, S155094. (G036096, G036408, G036868; 152 Cal.App.4th 808; Orange County Superior Court; JCCP No. 4392.) Petition for review after the Court of Appeal reversed the judgment in a civil action.

#07-393 *Episcopal Church Cases*, S155199. (G037084; nonpublished opinion; Orange County Superior Court; JCCP No. 4392.)

#07-394 *Episcopal Church Cases*, S155208. (G036730; nonpublished opinion; Orange County Superior Court; JCCP No. 4392.)

#07-395 *Episcopal Church Cases*, S155687. (G036498; nonpublished opinion; Orange County Superior Court; JCCP No. 4392.)

The above four matters include the following issues: (1) Should the
(over)

“principle of government” approach, also known as the “highest church judicatory” approach, be used to resolve disputes between a local congregation and a national church or regional diocese over ownership of church property, or should these disputes be resolved using a “neutral principles analysis”? (2) Was the complaint properly subject to a motion to strike under Code of Civil Procedure section 425.16? (3) What role does Corporations Code section 9142 play in the analysis and resolution of church property disputes? The court order briefing in cases S155199 (#07-393), S155208 (#07-394), and S155687 (#07-395), deferred pending decision in case S155094 (#07-392).

#07-396 *People v. Feyrer, S154242.* (B192752; 151 Cal.App.4th 506; Los Angeles County Superior Court; KA056346.) Petition for review after the Court of Appeal vacated an order in a criminal case. The court ordered briefing deferred pending decision in *People v. Segura*, S148536 (#07-36), which presents the following issues: (1) Did the trial court have the power, over the People’s objection, to rewrite and reduce an agreed-upon material term of a plea agreement that imposed a probationary term on defendant? (2) Did the trial court have the power to reduce the one-year term in county jail imposed pursuant to the plea agreement after defendant had already served the term?

#07-397 *People v. King, S154604.* (E040844; nonpublished opinion; San Bernardino County Superior Court; FSB056193.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-398 *People v. Sepulveda, S154693.* (E040932; nonpublished opinion; San Bernardino County Superior Court; FSB45132.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

The court ordered briefing in *King* and *Sepulveda* deferred pending decision in *People v. Lopez*, S149364 (#07-107), and *People v. Olguin*, S149303 (#07-108), which present the following issue: May a trial court impose a condition of probation requiring a probationer to obtain permission from his or her probation officer in order to own any pet?

DISPOSITIONS

Review in the following case was dismissed in light of *Agua Caliente Band of Cahuilla Indians v. Superior Court* (2007) 40 Cal.4th 239:

#05-04 *Fair Political Practices Com. v. Santa Rosa Indian Community of the Santa Rosa Rancheria, S129653.*

Review in the following case was dismissed in light of *People v. Medina* (2007) 41 Cal.4th 685:

#05-219 *People v. Medina*, S137729.

Review in the following case was dismissed in part at the request of the parties with respect to the ruling of the Court of Appeal affirming the order granting plaintiffs and respondents a partial new trial against defendant and appellant Weather Shield Manufacturing, Inc., on issues of strict products liability:

#06-58 *Crawford v. Weather Shield Mfg., Inc.*, S141541.

The following case was transferred for reconsideration in light of *People v. Licas* (2007) 41 Cal.4th 362:

#07-292 *People v. Rivera*, S153103.

Review in the following cases was dismissed in light of *People v. Black* (2007) 41 Cal.4th 799:

#07-21 *People v. Dunson*, S148011.

#07-22 *People v. Graves*, S149196.

#07-23 *People v. Greenwood*, S148927.

#07-24 *People v. Guerra*, S149149.

#07-27 *People v. Ludwick*, S148788.

#07-29 *People v. Powell*, S148789.

#07-42 *People v. Adame*, S148944.

#07-43 *People v. Barrios*, S149387.

#07-46 *People v. Corona*, S149486.

#07-47 *People v. Gomez*, S149421.

#07-48 *People v. Hernandez*, S149318.

#07-49 *People v. Stafford*, S149273.

#07-50 *People v. Stanch*, S149312.

#07-51 *People v. Taylor*, S149408.

#07-53 *People v. Wilson*, S149566.

#07-57 *People v. Celis*, S148878.

#07-58 *People v. Clarke*, S149221.

#07-59 *People v. Crespo*, S149014.

#07-60 *People v. Dominguez*, S149574.

#07-61 *People v. Gonzalez*, S149524.
#07-66 *People v. Tackett*, S148687.
#07-67 *People v. Thepsombandith*, S149522.
#07-79 *People v. Markland*, S149618.
#07-82 *People v. Velasco*, S149615.
#07-83 *People v. Washington*, S149729.
#07-92 *People v. Carter*, S150090.
#07-94 *People v. Corona*, S150057.
#07-95 *People v. Duong*, S149837.
#07-96 *People v. Herrell*, S149379.
#07-97 *People v. Lara*, S149966.
#07-98 *People v. Mandarino*, S150041.
#07-99 *People v. Martin*, S149539.
#07-100 *People v. Pack*, S149564.
#07-101 *People v. Ramirez*, S149964.
#07-103 *People v. Verduzco*, S149223.
#07-104 *People v. Waller*, S150121.
#07-113 *People v. Bredfield*, S149650.
#07-114 *People v. Chambers*, S150171.
#07-115 *People v. Gott*, S150311.
#07-116 *People v. Johnson*, S150301.
#07-117 *People v. Porcayo*, S149259.
#07-118 *People v. Riel*, S149771.
#07-119 *People v. Sledge*, S148843.
#07-120 *People v. Turner*, S150275.
#07-121 *People v. Weatherspoon*, S150239.
#07-126 *People v. Brandon*, S149371.
#07-127 *People v. Isom*, S149304.
#07-128 *People v. Ray*, S150333.
#07-131 *People v. Speakes*, S150418.
#07-137 *People v. Anthony*, S150599.
#07-142 *People v. Garcia*, S150110.
#07-143 *People v. Townshend*, S149967.
#07-144 *People v. Zaragoza*, S150531.
#07-150 *People v. Dissinger*, S151034.
#07-151 *People v. Hernandez*, S150725.
#07-152 *People v. Niece*, S150415.
#07-153 *People v. Pineda*, S150516.
#07-159 *People v. Stokes*, S151106.
#07-167 *People v. Ashbaugh*, S150211.
#07-168 *People v. Barreto*, S150843.
#07-169 *People v. Bell*, S150782.

#07-171 People v. Crouch, S151129.
#07-174 People v. Goode, S151404.
#07-175 People v. Griffin, S151349.
#07-176 People v. Hernandez, S151549.
#07-178 People v. Mitchell, S151211.
#07-181 People v. Ross, S150610.
#07-182 People v. Rushing, S151326.
#07-183 People v. Silva, S151631.
#07-184 People v. Valenzuela-Rodriguez, S151524.
#07-189 People v. Braxton, S150894.
#07-190 People v. Brown, S151454.
#07-191 People v. Chaney, S151784.
#07-192 People v. Davis, S151753.
#07-199 People v. Williams, S151768.
#07-202 People v. Evans, S150445.
#07-205 People v. Robinson, S151979.
#07-206 People v. Thompson, S151300.
#07-217 People v. Barrow, S152496.
#07-218 People v. Brown, S152225.
#07-219 People v. Castro, S151328.
#07-221 People v. Curtis, S152177.
#07-222 People v. Deniz, S151502.
#07-223 People v. Dennis, S152426.
#07-224 People v. Gamboa, S152193.
#07-228 People v. Johnson, S151877.
#07-230 People v. Jones, S152362.
#07-231 People v. Lopez, S151772.
#07-235 People v. Melles, S152316.
#07-236 People v. Perez, S151751.
#07-237 People v. Phillips, S152222.
#07-239 People v. Russell, S151458.
#07-242 People v. Silva, S152304.
#07-244 People v. Vielma, S152406.
#07-251 People v. Bernard, S152671.
#07-252 People v. Houk, S152363.
#07-254 People v. Moran, S152169.
#07-263 People v. Crane, S152820.
#07-267 People v. Hernandez, S152230.
#07-269 People v. Lawrence, S152885.
#07-270 People v. Lee, S152632.
#07-271 People v. Maciel, S152913.
#07-273 People v. O'Neal, S152859.

#07-276 *People v. Ramos*, S152693.
#07-277 *People v. Raymond*, S152965.
#07-286 *People v. Bynum*, S153110.
#07-288 *People v. Green*, S152919.
#07-289 *People v. Luna*, S153148.
#07-291 *People v. Raymond*, S153072.
#07-295 *People v. Rynhard*, S153026.
#07-296 *People v. Silas*, S152707.
#07-298 *People v. Waymire*, S152888.
#07-308 *People v. Hayes*, S153344.
#07-310 *People v. Lockman*, S153355.
#07-312 *People v. McNatt*, S153376.
#07-314 *People v. Stiles*, S153463.
#07-315 *People v. Uhler*, S153087.
#07-316 *People v. Williams*, S153435.
#07-320 *People v. Harmon*, S153707.
#07-323 *People v. Lozano*, S153733.
#07-326 *People v. Sartoresi*, S153553.
#07-327 *People v. Schnabel*, S152830.
#07-329 *People v. Sotello*, S153078.
#07-330 *People v. Weatherspoon*, S153688.
#07-333 *People v. Corrales*, S153955.
#07-337 *People v. Hall*, S153673.
#07-338 *People v. Hernandez*, S154016.
#07-339 *People v. Joyner*, S153119.
#07-340 *People v. Lebron*, S154103.
#07-345 *People v. Perez*, S154285.
#07-346 *People v. Rivas*, S153182.
#07-349 *People v. Rodriguez*, S153816.
#07-350 *People v. Rodriguez*, S153825.
#07-352 *People v. Shadden*, S153233.
#07-353 *People v. Shields*, S153817.
#07-357 *People v. Walker*, S153533.
#07-358 *People v. Warnes*, S154091.
#07-361 *People v. Yang*, S154141.
#07-362 *People v. Zepeda*, S154035.
#07-369 *People v. Anderson*, S154310.
#07-370 *People v. Brooks*, S154386.
#07-371 *People v. English*, S154422.
#07-375 *People v. Fugate*, S154247.
#07-378 *People v. Reyes*, S153455.
#07-379 *People v. Salinas*, S154189.

Review in the following cases was dismissed in light of *People v. Black* (2007) 41 Cal.4th 799 and *People v. Sandoval* (2007) 41 Cal.4th 825:

#07-31 *People v. Siacksorn*, S149122.
#07-69 *People v. Washington*, S148731.
#07-173 *People v. Gonzales*, S151284.
#07-203 *People v. Lopez*, S151900.
#07-226 *People v. Gonzalez*, S152351.
#07-287 *People v. Colorina*, S152987.
#07-294 *People v. Rosen*, S152432.
#07-334 *People v. Delgadillo*, S153968.
#07-343 *People v. Murphy*, S154148.
#07-354 *People v. Takizawa*, S153784.
#07-376 *People v. Hunter*, S153957.

The following cases were transferred for reconsideration in light of *People v. Black* (2007) 41 Cal.4th 799 and *People v. Sandoval* (2007) 41 Cal.4th 825:

#07-18 *People v. Coffman*, S148743.
#07-20 *People v. Dunlap*, S148728.
#07-44 *People v. Cabrera*, S149345.
#07-62 *People v. Lincoln*, S148990.
#07-64 *People v. Navarro*, S149570.
#07-65 *People v. Rodriguez*, S149224.
#07-77 *People v. Hulton*, S149696.
#07-78 *People v. Manuel T.*, S148484.
#07-93 *People v. Castillo*, S149348.
#07-129 *People v. Roberts*, S149528.
#07-130 *People v. Salazar*, S149468.
#07-140 *People v. Cole*, S149631.
#07-149 *People v. Brown*, S149977.
#07-158 *People v. Ayyar*, S150748.
#07-172 *People v. Gelashvili*, S151559.
#07-179 *People v. Navarro*, S151252.
#07-180 *People v. Paredes*, S150643.
#07-185 *People v. White*, S151718.
#07-193 *People v. Eagles*, S151754.
#07-194 *People v. Knox*, S151662.
#07-196 *People v. Scott*, S150994.
#07-197 *People v. Silla*, S151831.
#07-198 *People v. Tucek*, S151836.

#07-204 *People v. Matye*, S151669.
#07-216 *People v. Amaya*, S152539.
#07-220 *People v. Chia*, S151229.
#07-225 *People v. Garcia*, S152089.
#07-227 *People v. Gradillas*, S152469.
#07-229 *People v. Johnson*, S152566.
#07-233 *People v. Martinez*, S152440.
#07-234 *People v. McClain*, S152326.
#07-238 *People v. Rodriguez*, S152297.
#07-240 *People v. Saecho*, S151965.
#07-243 *People v. Tith*, S152045.
#07-245 *People v. Walker*, S152258.
#07-246 *People v. Williams*, S152186.
#07-250 *People v. Aragon*, S151521.
#07-253 *People v. Miranda*, S151551.
#07-255 *People v. Ruiz*, S152530.
#07-256 *People v. Sutton*, S152002.
#07-260 *People v. Alvarado*, S152403.
#07-261 *People v. Banks*, S152849.
#07-264 *People v. Gebhardt*, S152884.
#07-265 *People v. Guess*, S152877.
#07-268 *People v. Johnson*, S152823.
#07-272 *People v. Martinez*, S152798.
#07-275 *People v. Pacheco*, S153111.
#07-279 *People v. Venzor*, S152801.
#07-284 *People v. Booth*, S153149.
#07-285 *People v. Buckley*, S153190.
#07-299 *People v. White*, S153193.
#07-300 *People v. Wilbur*, S152979.
#07-305 *People v. Calderon*, S153420.
#07-306 *People v. Gonzalez*, S153315.
#07-307 *People v. Govan*, S153330.
#07-309 *People v. Kao*, S153443.
#07-311 *People v. Marchand*, S153605.
#07-313 *People v. Perez*, S153422.
#07-318 *People v. Alamouti*, S153744.
#07-319 *People v. Armster*, S152604.
#07-321 *People v. Little*, S153727.
#07-325 *People v. Roberts*, S153152.
#07-335 *People v. Diaz*, S152523.
#07-341 *People v. Mack*, S153653.
#07-342 *People v. McMahon*, S153889.

#07-344 *People v. Owen*, S153667.
#07-347 *People v. Robles*, S153959.
#07-351 *People v. Saldana*, S153937.
#07-355 *People v. Torres*, S153938.
#07-356 *People v. Trigueros*, S153845.
#07-359 *People v. Willis*, S154140.
#07-360 *People v. Wilson*, S154064.
#07-373 *People v. Fluker*, S154229.
#07-374 *People v. Fontenot*, S154192.
#07-382 *People v. Williams*, S154232.

STATUS

#07-383 *Coral Construction v. City and County of San Francisco*, S152934. The court ordered the parties to brief and argue the following issues: (1) Did the Court of Appeal properly remand the case to the trial court to determine in the first instance whether the ordinance was required by the federal equal protection clause as a narrowly tailored remedial program to remedy ongoing, pervasive discrimination in public contracting? (2) Does an ordinance that provides certain advantages to minority- and female-owned business enterprises with respect to the award of city contracts fall within an exception to section 31 for actions required of a local government entity to maintain eligibility for federal funds under the federal Civil Rights Act (42 U.S.C. § 2000d)? (3) Does article I, section 31 of the California Constitution, which prohibits government entities from discrimination or preference on the basis of race, sex, or color in public contracting, improperly disadvantage minority groups and violate equal protection principles by making it more difficult to enact legislation on their behalf? (See *Washington v. Seattle School Dist. No. 1* (1982) 458 U.S. 457; *Hunter v. Erickson* (1969) 393 U.S. 385.)

In the following cases in which briefing was previously ordered deferred pending further order of the court, the court ordered briefing deferred pending decision in *People v. Towne*, S125677 (#04-75), which includes the question whether *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, and *Almendarez-Torres v. United States* (1998) 523 U.S. 224, 239-247, permit the trial judge to sentence defendant to the upper term based on any or all of the following aggravating factors, without submitting them to a jury: the defendant has served a prior prison term; the defendant was on parole when the crime was committed; the defendant's prior performance on probation or parole was unsatisfactory (California Rules of Court, Rule 4.421, subds. (b)(2) – (b)(5)):

#07-25 *People v. Hernandez*, S148992.
#07-26 *People v. Holdaway*, S149022.
#07-30 *People v. Resto*, S149244.

#07-52 *People v. Torres*, S148670.
#07-68 *People v. Tinajero*, S149418.
#07-76 *People v. Green*, S149670.
#07-90 *People v. Bacon*, S149595.
#07-102 *People v. Shchirskiy*, S150129.
#07-141 *People v. Fonseca*, S150771.
#07-166 *People v. Aguilar*, S151339.
#07-195 *People v. Martinez*, S151498.
#07-232 *People v. Marroquin*, S152563.
#07-241 *People v. Sargeant*, S152292.
#07-274 *People v. Ortiz*, S152996.
#07-278 *People v. Reibstein*, S152930.
#07-293 *People v. Rizo*, S153176.
#07-297 *People v. Steele*, S153296.
#07-322 *People v. Lopez*, S153829.
#07-324 *People v. Perez*, S153741.
#07-336 *People v. George*, S154071.
#07-372 *People v. Evans*, S153757.
#07-377 *People v. Mariani*, S154471.
#07-380 *People v. Santacruz*, S153433.
#07-386 *People v. Baldwin*, S154264.
#07-387 *People v. Garcia*, S154416.
#07-388 *People v. Macklin*, S154280.
#07-389 *People v. Perez*, S154845.
#07-390 *People v. Torres*, S154461.

In the following cases in which briefing was previously ordered deferred pending further order of the court, the court ordered briefing deferred pending decision in *People v. French*, S148845 (#07-10), which includes the question whether the trial court violated defendant's Sixth Amendment right to a jury trial, as interpreted in *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, by imposing an upper term sentence based on aggravating factors not found true by the jury, where the defendant entered a no contest plea and was sentenced in accordance with his plea agreement:

#07-28 *People v. Plascencia*, S149251.
#07-80 *People v. Myers*, S149657.
#07-91 *People v. Beswetherick*, S149804.
#07-138 *People v. Berry*, S149842.
#07-170 *People v. Costa*, S151236.
#07-177 *People v. Jones*, S151379.
#07-262 *People v. Baughman*, S152470.

#07-266 *People v. Heims*, S152922.
#07-290 *People v. Mayzes*, S153247.
#07-328 *People v. Selitsch*, S153575.
#07-348 *People v. Rodriguez*, S153436.
#07-381 *People v. Soto*, S154293.

#