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NEWS RELEASE

Release Number: **S.C. 44/05**

Release Date: **November 4, 2005**

Summary of Cases Accepted During the Week of October 31, 2005

[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.]

#05-209 *In re Joshua S.*, S137583. (B170343; 131 Cal.App.4th 1307; Los Angeles County Superior Court; CK23643.) Petition for review after the Court of Appeal reversed an order in a dependency proceeding. This case includes the following issue: Does state or federal law prohibit the payment of Aid for Families with Dependent Children-Foster Care (AFDC-FC) benefits on behalf of dependent children placed in long-term foster care outside the United States?

#05-210 *People v. George*, S136850. (H027709; unpublished opinion; Santa Clara County Superior Court; CC311259.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Brendlin*, S123133 (#04-31), and *People v. Saunders*, S122744 (#04-32), which include one or more of the following issues: (1) When a car is subjected to a traffic stop, is a passenger in the car “seized” or “detained” within the meaning of the Fourth Amendment, so that the passenger may challenge the validity of the traffic stop in contesting the admissibility of evidence obtained from the passenger after the stop? (2) May a car that has expired registration tags but that also has a temporary registration permit be legally stopped to investigate the validity of the temporary permit? (3) Can a parolee subject to a search condition challenge his detention as invalid if police were not aware he was on parole at the time they detained him?

(over)

STATUS

#04-118 *Soukup v. Stock*, S126864.

#04-119 *Soukup v. Law Offices of Herbert Hafif*, S126715.

#04-146 *Flatley v. Mauro*, S128429.

In all three cases, the court requested the parties to file supplemental briefs directed to the following questions: (1) Should newly-enacted Code of Civil Procedure section 425.18 be applied retroactively to pending cases? (2) If so, what is the effect of Code of Civil Procedure section 425.18 on the issue on which this court granted review in these cases, particularly with respect to subdivision (h) of that statute which states: “A special motion to strike may not be filed against a SLAPPback by a party whose filing or maintenance of the prior cause of action from which the SLAPPback arises was illegal as a matter of law”?

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