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NEWS RELEASE

Release Number: **S.C. 48/06**

Release Date: **December 1, 2006**

Summary of Cases Accepted During the Week of November 27, 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.]

#06-130 *Edwards v. Arthur Andersen LLP*, S147190. (A178246; 142 Cal.App.4th 603, mod. 143 Cal.App.4th 70b; Los Angeles County Superior Court; BC294853.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issues: (1) Is a non-competition agreement between an employer and an employee that prohibits the employee from performing services for former clients invalid under Business and Professions Code section 16600, unless it falls within the statutory or judicially-created trade secrets exceptions to the statute? (2) Does a contract provision releasing “any and all” claims the employee might have against the employer encompass non-waivable statutory protections, such as the employee indemnity protection of Labor Code section 2802?

#06-131 *People v. Thoreson*, S147414. (H029705; unpublished opinion; Santa Clara County Superior Court; CC300573, CC595160.) 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. Crandell*, S134883 (#05-186), which presents the following issue: Does the imposition of a restitution fine under Penal Code section 1202.4, subdivision (b), violate a defendant’s plea agreement if the fine was not an express term of the agreement?

(over)

DISPOSITIONS

Review in the following case was dismissed at the request of the petitioner:

#06-81 *In re Lino B.*, S144112.

STATUS

#06-127 *People v. Nelson*, S147051. The court limited the issues to be briefed and argued to the following: (1) Is the methodology for assessing the statistical significance of a “cold hit” from a DNA database a novel scientific question requiring proof of general scientific acceptance under *People v. Kelly* (1976) 17 Cal.3d 24 and *People v. Leahy* (1994) 8 Cal.4th 587? (2) How should the statistical significance of a “cold hit” from a DNA database be calculated? (3) Was defendant denied his right to a speedy trial under the state and federal Constitutions, where the complaint was filed 26 years after the crime but only two months after DNA tests linked him to the crime?

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