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NEWS RELEASE

Release Number: **S.C. 48/05**

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Summary of Cases Accepted During the Week of November 28, 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.]

#05-217 *In re Large*, S127754. Original proceeding. The court issued an order to show cause limited to the following claim: Is petitioner entitled to relief on the ground the trial court failed to exercise properly its discretion to dismiss prior conviction allegations under the three strikes law?

#05-218 *Ross v. Ragingwire Telecommunications, Inc.*, S138130. (C043392; 132 Cal.App.4th 590; Sacramento County Superior Court; 02AS05476.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. When a person who is authorized to use marijuana for medical purposes under the California Compassionate Use Act (Health & Saf. Code, § 11362.5) is discharged from employment on the basis of his or her off-duty use of marijuana, does the employee have either a claim under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) for unlawful discrimination in employment on the basis of disability or a common law tort claim for wrongful termination in violation of public policy?

#05-219 *People v. Medina*, S137729. (B171348; 132 Cal.App.4th 149; Los Angeles County Superior Court; BA243462.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Medina*, S137055 (#05-205), which presents the following issues: (1) Can a defendant commit the crime of attempted kidnapping during the commission of carjacking (Pen. Code, § 664/209.5) by attempting to kidnap the victim in an *attempt* to commit

(over)

a carjacking, or does the crime require the *completed* commission of the crime of carjacking in the course of an attempted kidnapping? (2) Are attempted kidnapping and attempted carjacking lesser included offenses of attempted kidnapping during the commission of carjacking?

#05-220 *People v. Rodgers*, S137422. (E034205; 131 Cal.App.4th 1560; Riverside County Superior Court; RIF98234.) 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. Dolly*, S134505 (#05-180), which presents the following issue: Can an anonymous tip to police that a specific suspect possesses a gun provide reasonable suspicion for a felony stop, where the police corroborate the innocent details of the tip, but do not corroborate the assertion of illegality?

DISPOSITION

Review in the following case was dismissed in light of the settlement of action:

#04-82 *Bennigson v. Alsdorf*, S124828.