NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF SEPTEMBER 8, 2003

[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 description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-112 People v. Carson, S117568. (B153072; 109 Cal.App.4th 978; Los Angeles County Superior Court; PA034279.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case includes the following issues: (1) Can a defendant's right of self-representation be terminated only for in-court misconduct that disrupts or obstructs the trial proceedings, or are there circumstances in which a defendant's out-of-court misconduct may support the termination of his or her right to represent himself? (2) If a defendant's out-of-court misconduct may support the termination of self-representation in some circumstances, did defendant's out-of-court misconduct in this case justify such termination?

#03-113 Cummins, Inc. v. Superior Court, S117726. (E032377; 109 Cal.App.4th 1385; Riverside County Superior Court; RIC361915.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Do the "repair or replace" provisions of the Song-Beverly Consumer Warranty Act (Civ. Code, § 1793.2) apply to a motor vehicle purchased outside California when similar vehicles made by the manufacturer are sold in California and when the efforts to repair the defect in the vehicle, as required by the statute, occur in California?

(over)

#03-114 People v. Hernandez, S117651. (B150342; 109 Cal.App.4th 1338; Los Angeles County Superior Court; YA045206.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. The court limited review to the following issues: (1) Did the trial court commit prejudicial error by denying a defense request to bifurcate trial on the criminal street gang allegation from trial on the substantive offenses? (2) Did the trial court commit prejudicial error by failing to give the jury a limiting instruction on the permissible uses of evidence of defendants' gang membership?

#03-115 Navarette v. Holland, S117201. (D039489; 109 Cal.App.4th 13; San Diego County Superior Court; 770663.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. The court ordered briefing deferred pending decision in Mulder v. Pilot Air Freight, S105483 (#02-86) and Hagsberg v. California Federal Bank, S105909 (#02-111), which present the following issue: Is the privilege for reporting suspected criminal activity to a police officer (Civ. Code. § 47(b)) absolute or does it apply only to statements made in good faith?

#03-116 People v. Stancil, S117931. (A098670; unpublished opinion; Solano County Superior Court; FC189715.) Petition for review after the Court of Appeal reversed an order setting aside an information. The court ordered briefing deferred pending finality of the decision in People v. Sanders (2003) 31 Cal.4th 318, which concerns the admissibility of evidence obtained in the warrantless search of a residence, when police do not discover until after the search that one of the residents was on probation and subject to a search condition.

DISPOSITIONS

#02-131 People v. Fryman, S107283, was transferred to the Court of Appeal for reconsideration in light of People v. Floyd (2003) 31 Cal.4th 179.

#02-150 People v. Mack, S108531, was transferred to the Court of Appeal for reconsideration in light of In re Martinez (2003) 30 Cal.4th 29.

The following cases were transferred to the Court of Appeal for reconsideration in light of Robert L. v. Superior Court (2003) 30 Cal.4th 894:

#02-187 In re David F., S110651.

#03-29 People v. Palomino, S112904.

The following cases were dismissed and remanded to the Court of Appeal:

#02-25 In re Erik A., S103132.

#02-31 People v. Ordaz, S102904.

#02-155 In re Danny S., S108670.

STATUS

#02-21 In re Robert B., S103022. The court invited the parties to file letter briefs discussing the significance for this case, if any, of the 2002 amendment to Penal Code section 466. (Stats. 2002, ch. 335, § 1.)

#02-169 Dowhal v. SmithKline Beecham Consumer Healthcare, S109306. The court directed the parties, in responding to the amicus briefs in this case, to address the following issues: If (1) it is true that nicotine is a chemical known to cause reproductive harm, but (2) placing a truthful warning label to this effect on defendants' products might discourage pregnant women from using those products to stop smoking, and thus do more harm than good, does the Food and Drug Administration have authority to prohibit defendants from using such a label? Does its authority depend on whether the product, so labeled, would be considered "misbranded?"

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