



# NEWS RELEASE

Release Number: 54

Release Date: October 19, 2010

JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
OF THE COURTS  
Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)  
415-865-7740  
Lynn Holton  
Public Information Officer

## **Court of Appeal Holds Special Session, Student Forum in Stanislaus County**

Fresno—As part of the Court of Appeal, Fifth Appellate District's ongoing outreach program to surrounding communities, the court on Thursday, October 21, 2010, will hear oral arguments on appeals in two cases tried in the Superior Court of Stanislaus County. The oral arguments will be held in the Board of Supervisors Chambers at 1010 10th Street in Modesto.

Beginning at 9:30 a.m., the court will hear arguments on two companion criminal cases, numbers F057684 & F057775, *People v. Bengé*. Factual summaries of each case, along with a brief discussion of the legal issues, an informational pamphlet on the appellate process and short biographies of the participating justices will be provided at the door.

Various Stanislaus County high schools and California State University, Stanislaus are sending students to hear the arguments and ask questions of the justices following the hearings.

Seven of the ten justices on the Court of Appeal will travel to Modesto, including Administrative Presiding Justice James A. Ardaiz. The three justices hearing the appeals will be Associate Justice Herbert I. Levy who will serve as the acting presiding justice along with Associate Justices Charles S. Poochigian and Jennifer R.S. Detjen. Also available will be Administrative Presiding Justice Ardaiz, and Associate Justices Rebecca A. Wiseman, Dennis A. Cornell, and Stephen J. Kane. Oral argument is an opportunity for the justices to question the appellate attorneys on the factual and legal issues raised in the written briefs previously submitted to the Court of Appeal for each case.

Nine counties comprise the Fifth Appellate District: Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne. The court hears appeals from cases decided in each county's superior court, which includes criminal, civil, family law, juvenile delinquency and dependency,

probate and others. Appellate courts do not conduct jury trials or accept additional evidence beyond what was originally considered in the superior court. Rather, they review written records and are bound by the facts as established in the superior court proceeding. The appellate court's limited role is to determine whether any legal error has occurred and, if so, whether it should affect the outcome of the case.

On the same day, the justices will hold an open forum with students and faculty from California State University, Stanislaus. The forum will be held from 2:30 p.m. to 3:30 p.m. at the Turlock campus located at One University Circle, in Room 130 of the campus' Mary Stuart Rogers Administration Building, and will be facilitated by Dr. Phyllis Gerstenfeld, Chair of the Criminal Justice Department.

The public is welcome and encouraged to attend the hearings and the open forum.

*For further information on the oral arguments, please contact the Court of Appeal, Fifth Appellate District Clerk/Administrator Charlene Ynson at 559-445-5989, or Julie N. Bagoye, Assistant Clerk/Administrator, at 559-445-5226.*

*For more information on the open forum at CSU Stanislaus, call Shannon Nichols at 209-667-3693.*

#