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NEWS RELEASE

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Summary of Cases Accepted During the Week of January 24, 2011

[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.]

#11-06 *People v. Aranda*, S188204. (D055701; 188 Cal.App.4th 1490; Riverside County Superior Court; SWF010404.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court limited review to the following issues: Is the trial court's failure to give a standard reasonable doubt instruction (CALJIC No. 2.90) reversible per se or is such failure subject to harmless error review? If so, should harmless error be assessed under *People v. Watson* (1956) 46 Cal.2d 818, or *Chapman v. California* (1967) 386 U.S. 18?

#11-07 *People v. Mosley*, S187965. (G038379; 188 Cal.App.4th 1090; Orange County Superior Court; 05NF4105.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does the discretionary imposition of lifetime sex offender registration, which includes residency restrictions that prohibit registered sex offenders from living "within 2000 feet of any public or private school, or park where children regularly gather" (Pen. Code, § 3003.5, subd. (b)), increase the "penalty" for the offense within the meaning of *Apprendi v. New Jersey* (2000) 530 U.S. 466, and require that the facts supporting the trial court's imposition of the registration requirement be found true by a jury beyond a reasonable doubt?

#11-08 *In re S.W.*, S187897. (G042321; nonpublished opinion; Orange County Superior Court; DL029114.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court limited review to the following issue: Could the juvenile court constitutionally impose on petitioner the requirements set forth in The

Sexual Predator Punishment and Control Act: Jessica's Law (Prop. 83, as approved by voters, Gen. Elec. (Nov. 7, 2006)) without giving petitioner the right to a jury trial on the underlying facts? (See *Apprendi v. New Jersey* (2000) 530 U.S. 466; *McKeiver v. Pennsylvania* (1971) 403 U.S. 528; *People v. Nguyen* (2009) 46 Cal.4th 1007.)

#11-09 *Gonzalez v. Southern California Gas. Co.*, S188956. (D054677; nonpublished opinion; Imperial County Superior Court; L01518.) Petition for review after the Court of Appeal reversed the judgment in a civil action. The court ordered briefing deferred pending decision in *Cabral v. Ralphs Grocery Co.*, S178799 (#10-05), which presents issues concerning the foreseeability of harm in determining the existence of a legal duty of care.

#11-10 *Hernandez v. Chipotle Mexican Grill, Inc.*, S188755. (B216004; 189 Cal.App.4th 751; Los Angeles County Superior Court; BC373759.) Petition for review after the Court of Appeal affirmed an order denying class certification in a civil action. The court ordered briefing deferred pending decision in *Brinker Restaurant Corp. v. Superior Court*, S166350 (#08-157), which presents issues concerning the proper interpretation of California's statutes and regulations governing an employer's duty to provide meal and rest breaks to hourly workers.

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