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NEWS RELEASE

Release Number: **S.C. 05/11**

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Summary of Cases Accepted During the Week of January 31, 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.]

#11-11 *People v. Elmore*, S188238. (B216917; nonpublished opinion; Los Angeles County Superior Court; TA090607.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issue: Does the doctrine of imperfect self-defense apply when the defendant's actual, but unreasonable, belief in the need to defend himself was based solely on a psychotic delusion?

#11-12 *People v. Sanchez*, S188453. (F057147; 189 Cal.App.4th 374, mod. 189 Cal.App.4th 1307a; Tulare County Superior Court; PCF204260A.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents the following issues: (1) When a defendant indicates the intention to move to withdraw a plea of guilty or no contest on the ground of ineffective assistance of appointed counsel, is the trial court obligated to conduct a *Marsden* hearing (*People v. Marsden* (1970) 2 Cal.3d 118) and determine whether counsel should be removed and replaced by new appointed counsel? (2) Was defendant required to obtain a certificate of probable cause (Pen. Code, § 1237.5) in order to raise this issue on appeal?

DISPOSITIONS

The order granting the request in the following case to decide a question of California law presented in a matter pending in the United States Court

of Appeals for the Ninth Circuit was vacated in light of *People v. Albillar* (2010) 51 Cal.4th 47:

#10-77 *Emery v. Clark*, S182670.

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