



NEWS RELEASE

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Summary of Cases Accepted During the Week of February 19, 2007

[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.]

#07-54 Barsamyan v. Superior Court, S148712. (B188695; 144 Cal.App.4th 602; Los Angeles County Superior Court; BS099858.)
Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Does a defendant's consent to continuance of the trial to a date within the 10-day grace period specified in Penal Code section 1382, subdivision (a)(3)(B), restart the 10-day period within which the case must be brought to trial?

#07-55 Tonya M. v. Superior Court, S149248. (B193167; 145 Cal.App.4th 125; Los Angeles County Superior Court; CK61238.)
Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: When determining at the "six-month review hearing" (Welf. & Inst. Code, § 366.21, subd. (e)) whether there is a "substantial probability" that a child under the age of three years, who had been removed from parental custody, will be returned to parental custody "within six months," should the trial court (a) look to the six months following the date of the hearing, or (b) consider only the time remaining until the date of the previously-scheduled twelve-month review hearing, regardless of when the six-month review hearing actually is held?

In the following cases, which present issues relating to the effect of *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, on

(over)

California sentencing law, the court ordered briefing deferred pending further order of the court:

#07-56 *People v. Camacho, S149429.* (E038725; nonpublished opinion; San Bernardino County Superior Court; FVA022804.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-57 *People v. Celis, S148878.* (B186270; nonpublished opinion; Ventura County Superior Court; 2003004496.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-58 *People v. Clarke, S149221.* (C049648; nonpublished opinion; Shasta County Superior Court; 04F3594.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#07-59 *People v. Crespo, S149014.* (C048486; nonpublished opinion; Sacramento County Superior Court; 02F08167.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-60 *People v. Dominguez, S149574.* (C050399; nonpublished opinion; Sacramento County Superior Court; 04F09169.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-61 *People v. Gonzalez, S149524.* (F049414; nonpublished opinion; Kern County Superior Court; BF110570A.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense.

#07-62 *People v. Lincoln, S148990.* (B188042; 144 Cal.App.4th 1016; Los Angeles County Superior Court; BA026968.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded with directions as to sentence to be imposed.

#07-63 *People v. Mitre, S149272.* (F049761; nonpublished opinion; Kings County Superior Court; 05CM2259.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense.

#07-64 *People v. Navarro, S149570.* (B187468; nonpublished opinion; Los Angeles County Superior Court; KA071410.) Petitions for review after the Court of Appeal affirmed judgment of conviction of criminal offenses.

#07-65 *People v. Rodriguez, S149224.* (B190225; nonpublished opinion; Los Angeles County Superior Court; TA076929.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-66 *People v. Tackett, S148687.* (C044770; 144 Cal.App.4th 445; Sacramento County Superior Court; 01F05126.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-67 *People v. Thepsombandith, S149522.* (D047885; nonpublished opinion; San Diego County Superior Court; SCD189842.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-68 *People v. Tinajero, S149418.* (B182757; nonpublished opinion; Los Angeles County Superior Court; BA271590, PA046893.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses.

#07-69 *People v. Washington, S148731.* (B186443; nonpublished opinion; Los Angeles County Superior Court; .NA056254) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

STATUS

#04-83 *People v. Black, S126182.* On remand from the United States Supreme Court, the court directed the parties to brief the effect of *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, on the issues in this case, and requested that the briefs address the following issues: (1) Is there any violation of the defendant's Sixth Amendment rights under *Cunningham* if the defendant is eligible for the upper term based upon a single aggravating factor that has been established by means that satisfy the governing Sixth Amendment authorities—in the present case, for example, by the defendant's prior convictions or by the jury's finding that the offense involved force or fear—even if the trial judge relies on other aggravating factors (not established by such means) in exercising his or her discretion to select among the three sentences for which the defendant is eligible? (2) Does *Cunningham* affect this court's conclusion in *People v. Black* (2005) 35 Cal.4th 1238, 1261-1264, that *Blakely v. Washington* (2004) 542 U.S.296 does not apply to the imposition of consecutive sentences under Penal Code section 669?