



NEWS

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(415) 865-7740

Lynn Holton, Public Information Officer

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 14, 2004

[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.]

#04-64 *In re Derrick B.*, S124205. (F043067; 116 Cal.App.4th 1352; Fresno County Superior Court; 0094031-1.) Petition for review after the Court of Appeal modified and affirmed orders in a wardship proceeding. This case includes the following issue: Does Penal Code section 290, subdivision (a)(2)(E), authorize the juvenile court to order a ward to register as a sex offender for committing an offense not listed in section 290, subdivision (d)(1), or does subdivision (d) of section 290 set forth the exclusive grounds upon which a juvenile court ward can be ordered to register as a sex offender under section 290?

#04-65 *People v. Garcia*, S124090. (C043590; 117 Cal.App.4th 88; Butte County Superior Court; CM015310.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Does collateral estoppel bar a criminal prosecution for welfare fraud and perjury where an administrative law judge has previously determined that the same welfare overpayments forming the basis of the criminal complaint were made because of administrative errors by the county welfare department? (See *People v. Sims* (1982) 32 Cal.3d 468.)

(over)

#04-66 *Pacific Lumber Co. v. California State Water Resources Control Bd.*, S124464. (A102399; 116 Cal.App.4th 1232; Humboldt County Superior Court;

DR010860.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case includes the following issue: Was the California State Water Resources Control Board precluded by the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Resources Code, § 4511 et seq.) from imposing water quality conditions on timber harvesting operations after a timber harvesting plan had been approved by the California Department of Forestry and Fire Protection?

#04-67 *People v. Shelton*, S124503. (C044625; 117 Cal.App.4th 138; Sacramento County Superior Court; 00F05251.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Was defendant required to obtain a certificate of probable cause (Pen. Code, § 1237.5; Cal. Rules of Court, rule 31) in order to claim on appeal that the manner of calculating the maximum sentence he agreed to in a plea agreement violated Penal Code section 654? (2) Was defendant's post-plea claim that a portion of the sentence to which he had agreed was unauthorized barred as an impermissible challenge to the plea itself?

STATUS

#04-60 *In re Sheena K.*, S123980. The court directed the parties to brief the following issues in this case: (1) Is a challenge to a condition of juvenile probation as unconstitutionally vague or overbroad waived or forfeited by the failure to object to the condition at the time of the dispositional hearing in juvenile court? (2) Is a probation condition that a the minor "not associate with anyone disapproved of by [her] probation [officer]" unconstitutionally vague or overbroad?

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