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# NEWS RELEASE

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## Summary of Cases Accepted During the Week of December 22, 2008

*[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.]*

### **#08-176 *Martinez v. Regents of University of California*, S167791.**

(C054124; 166 Cal.App.4th 1121; Yolo County Superior Court; CV052064.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issues:

(1) Does Education Code section 68130.5, which authorizes undocumented aliens and other non-residents who attend and graduate from a California high school to pay in-state tuition for post-secondary education, violate 8 United States Code, section 1623 and/or section 1621? (2) Does section 68130.5 violate the rights of non-resident students under federal law in violation of the privileges and immunities clause of the Fourteenth Amendment?

### **STATUS**

**#07-411 *People v. Lara*, S155481.** The court directed briefing in this case, in which briefing was previously deferred pending decision in *People v. Price*, S151207 (#07-210), and directed the parties to address the following questions in addition to the issue stated in the petition for review: (1) Does Penal Code section 1026.5 authorize the confinement of a defendant pending a recommitment hearing when the prosecution files a recommitment petition, without good cause, so late that the defense is unable to prepare for trial before the commitment expires? (2) Do the facts of this case allow this court to reach question No. 1? (3) In the absence of a time waiver, does a trial court have jurisdiction to continue an NGI recommitment hearing beyond the expiration date of the defendant's current commitment? (4) If the court loses jurisdiction to

hold a committee once the NGI commitment expires, is there any other authority for the court to order a committee held for the protection of the committee or others?

**#08-50 *People v. Cobb*, S159410.** The court directed the parties to file simultaneous letter briefs directed to the following questions: (1) Does Penal Code section 2972 authorize the continued confinement of a person previously found to be a Mentally Disordered Offender when the trial on the continuation petition has not commenced before the person was otherwise to have been released, the person has not waived time, and good cause for the delay has not been shown? (2) Do the facts in this case allow this court to reach question No. 1? (3) In the absence of a time waiver or good cause for a continuance, does a trial court have jurisdiction to continue an MDO continuation hearing beyond the expiration date of the defendant's current commitment? (4) If the court loses jurisdiction to hold a committee once the MDO commitment expires, is there any other authority for the court to order a committee held for the protection of the committee or others?

**#08-175 *In re David V.*, S167716.** The court ordered the issues to be briefed and argued limited to the following: Was there sufficient evidence to support the juvenile court's finding that the minor possessed metal knuckles within the meaning of Penal Code section 12020, subdivision (c)(7)?

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