



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
LOS ANGELES SESSION  
MAY 31 and JUNE 1, 2011**

**FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on May 31 and June 1, 2011.

**TUESDAY, MAY 31, 2011—2:00 P.M.**

- (1) S068863 People v. Scott (David Lynn) [Automatic Appeal] (*Aaron, J., assigned justice pro tempore*)
- (2) S045696 People v. Garcia (Randy Eugene) [Automatic Appeal] (*Kane, J., assigned justice pro tempore*)
- (3) S045078 People v. Clark (Royal) [Automatic Appeal] (*Kriegler, J., assigned justice pro tempore*)

**WEDNESDAY, JUNE 1, 2011—9:00 A.M.**

- (4) S182263 People v. Milward (George) (*King, J., assigned justice pro tempore*)
- (5) S082828 People v. Thomas (Correll Lamont) [Automatic Appeal] (*Jenkins, J., assigned justice pro tempore*)
- (6) S076582 People v. Blacksher (Erven R.) [Automatic Appeal] (*Armstrong, J., assigned justice pro tempore*)

CANTIL-SAKAUYE

*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**Note:** In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been or will be assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotation procedure.

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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, MAY 31, 2011—2:00 P.M.**

(1) *People v. Scott (David Lynn)*, S068863 (Aaron, J., assigned justice pro tempore)  
[Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(2) *People v. Garcia (Randy Eugene)*, S045696 (Kane, J., assigned justice pro tempore)  
[Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(3) *People v. Clark (Royal)*, S045078 (Kriegler, J., assigned justice pro tempore)  
[Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

**WEDNESDAY, JUNE 1, 2011—9:00 A.M.**

(4) *People v. Milward (George)*, S182263 (King, J., assigned justice pro tempore)

#10-83 *People v. Milward (George)*, S182263. (C058326; 182 Cal.App.4th 1477;

Superior Court of Sacramento County; 02F05876.) Petition for review after the Court of

Appeal affirmed a judgment of conviction of criminal offenses. This case presents the

following issues: (1) Is assault with a deadly weapon (Pen. Code § 245, subd. (a)(1)) a

necessarily included offense of assault by a life prisoner with a deadly weapon (Pen.

Code § 4500)? (2) Was *People v. Noah* (1971) 5 Cal.3d 469 binding on the Court of

Appeal unless and until overruled by this court?

***(5) People v. Thomas (Correll Lamont), S082828 (Jenkins, J., assigned justice pro tempore) [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

***(6) People v. Blacksher (Erven R.), S076582 (Armstrong, J., assigned justice pro tempore) [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.