



# NEWS RELEASE

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## Summary of Cases Accepted During the Week of March 14, 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.]*

**#11-24 *People v. Favor, S189317.*** (B215387; 190 Cal.App.4th 770; Los Angeles County Superior Court; BA285265.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: In order for an aider and abettor to be convicted of attempted willful, deliberate and premeditated murder by application of the natural and probable consequences doctrine, must a premeditated attempt to murder have been a reasonably foreseeable consequence of the target offense or offenses, or is it sufficient that an attempted murder would be reasonably foreseeable?

**#11-25 *People v. Shockley, S189462.*** (F058249; 190 Cal.App.4th 896; Stanislaus County Superior Court; 1238243.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Is battery a lesser included offense of committing a lewd act with a child under 14 years of age?

**#11-26 *People v. Atencio, S189461.*** (C063710; 190 Cal.App.4th 695; Butte County Superior Court; CM030868.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Jones, S179552* (#10-36), which presents the following issue: Did the trial court properly impose concurrent sentences for being a felon in possession of a firearm (Pen. Code § 12021, subd. (a)(1)) and carrying a loaded, concealed firearm (Pen. Code § 12025, subd. (b)(6)) under the present

circumstances? (See Pen. Code, § 654; *People v. Harrison* (1969) 1 Cal.App.3d 115, 121-122.)

## **DISPOSITION**

Review in the following case was dismissed in light of *People v. Soto* (2011) 51 Cal.4th 229:

**#10-92 *People v. Tepetitla-Cruz*, S182843.**

## **STATUS**

***People v. Blacksher*, S076582.** The court directed the parties to file supplemental letter briefs addressing the following issues in this automatic appeal: (1) the significance of *People v. Osorio* (2008) 165 Cal.App.4th 603 on defendant's claim regarding the admissibility of Eva Blacksher's statements to Ruth Cole; and (2) the significance of *Michigan v. Bryant* (Feb. 28, 2011, No. 09-150) \_\_ U.S. \_\_, 2011 WL 676964, and *Davis v. Washington* (2006) 547 U.S. 813 on defendant's claim regarding the admissibility of Eva Blacksher's statements to Officer Nicholas Nielsen.

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