



NEWS RELEASE

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Summary of Cases Accepted During the Week of April 11, 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.]

#11-36 *People v. Caballero, S190647.* (B217709; 191 Cal.App.4th 1248; Los Angeles County Superior Court; MA043902.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does a sentence of 110 years to life for a juvenile convicted of committing non-homicide offenses constitute cruel and unusual punishment under the Eighth Amendment on the ground it is the functional equivalent of a life sentence without the possibility of parole? (See *Graham v. Florida* (2010) 560 U.S. ___, 130 S.Ct. 2011, 176 L.Ed.2d 825.)

#11-37 *In re Kemp, S191112.* (C064821; 192 Cal.App.4th 252; Sacramento County Superior Court; 09F06912.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *People v. Brown*, S181963 (#10-64), which presents the following issue: Does Penal Code section 4019, as amended to increase presentence custody credits for certain offenders, apply retroactively?

#11-38 *Ralphs Grocery Co. v. United Food & Commercial Workers Union Local 8, S191251.* (F058716; 192 Cal.App.4th 200; Fresno County Superior Court; 09CECG00349.) Petition for review after the Court of Appeal reversed an order denying a preliminary injunction in a civil action. The court ordered briefing deferred pending decision in *Ralphs Grocery Co. v. United Food & Commercial Workers Union Local 8*, S185544 (#10-116), which presents the following issues: (1) Did the Court of Appeal err in concluding that the parking area and walkway in

front of the entrance to plaintiff's retail store, which is part of a larger shopping center, do not constitute a public forum under *Robins v. Pruneyard Shopping Center* (1979) 23 Cal.3d 899 and its progeny? (2) Do the Moscone Act (Code Civ. Proc. § 527.3) and Labor Code section 1138.1, which limit the availability of injunctive relief in labor disputes, violate the First and Fourteenth Amendments of the United States Constitution because they afford preferential treatment to speech concerning labor disputes over speech about other issues?

DISPOSITIONS

Review in the following case was dismissed in light of *People v. Troyer* (2011) 51 Cal.4th 599:

#10-108 *People v. Chung*, S184344.

STATUS

People v. Mendoza, S065467. The court invited the parties in this automatic appeal to submit letter briefs discussing Penal Code section 1252, as it relates to the issues in the case, and directed the parties to be prepared to discuss the statute when this matter is called for oral argument.

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