



NEWS RELEASE

Release Number: **S.C. 25/11**

Release Date: **June 24, 2011**

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courts.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of June 20, 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.]

#11-75 *In re Cowan, S158073.* Original proceeding. In this case, which is related to the automatic appeal in *People v. Cowan* (2010) 50 Cal.4th 401, the court issued an order to show cause why petitioner is not entitled to relief on the ground of juror misconduct.

#11-76 *LeFiell Manufacturing Co. v. Superior Court, S192759.* (B226240; 193 Cal.App.4th 1413; Los Angeles County Superior Court; VC055585.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate. This case presents the following issue: Can the spouse of an injured worker claim damages for loss of consortium in an action at law brought by the injured worker under Labor Code section 4558 for damages allegedly caused by an employer's knowing removal of or failure to install a safety guard on a power press?

#11-77 *People v. Nychay, S192551.* (D057107; 193 Cal.App.4th 771; San Diego County Superior Court; SCD219414.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. 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?

#11-78 *People v. Ramirez, S192558.* (B220528; 193 Cal.App.4th 613; Los Angeles County Superior Court; BA330274.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction

of criminal offenses. The court ordered briefing deferred pending decision in *People v. Caballero*, S190647 (#11-36), which 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.)

STATUS

#10-76 *People v. Nelson*, S181611. The court invited the parties to submit supplemental briefs on the effect, if any, of *J.D.B. v. North Carolina* (June 16, 2011, No. 09-11121) ___ U.S. ___, 2011 WL 2369508.

#