



NEWS RELEASE

Release Number: **S.C. 26/11**

Release Date: **July 1, 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 27, 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.]

#11-79 *People v. Delgado*, S192704. (B220174; 193 Cal.App.4th 1202; Los Angeles County Superior Court; .) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the trial court have a duty to instruct on its own motion on an aiding and abetting theory of liability when defendant personally performed some elements of the charged offense and another person performed the remaining elements required to complete the crime? (2) If so, did the Court of Appeal correctly conclude that the trial court's failure to instruct on aiding and abetting was harmless error?

#11-80 *People v. McCullough*, S192513. (C064982; 193 Cal.App.4th 864; Sacramento County Superior Court; .) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Did defendant forfeit his claim that he was unable to pay the \$270.17 jail booking fee (Gov. Code, § 29550.2) imposed by the trial court at sentencing, because he failed to object at the time?

#