



# NEWS RELEASE

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## Summary of Cases Accepted During the Week of September 12, 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.]*

**#11-111 *Sierra Club v. Superior Court, S194708.*** (G044138; 195 Cal.App.4th 1537; Orange County Superior Court; 30-2009-00121878.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Is Orange County's computer database of public land records exempt from disclosure under the Public Records Act (Gov. Code, § 6250 et seq.) as a "computer mapping system[]" (Gov. Code, § 6254.9, subd. (b)), or is that term limited to computer programs that read such a database?

**#11-112 *In re Aragon, S194673.*** (D058040; 196 Cal.App.4th 483; San Diego County Superior Court; CR139857.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

**#11-113 *In re Smith, S194750.*** (C065545; 196 Cal.App.4th 468; Butte County Superior Court; 074350.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus.

The court ordered briefing in *Aragon* and *Smith* deferred pending decision in *In re Vicks*, S194129 (#11-86), which presents the following issue: Can Penal Code section 3041.5, as amended by the "Victims' Bill of Rights Act of 2008: Marsy's Law," which decreased the frequency of parole consideration hearings, be applied to life inmates convicted before the effective date of the amendments without violating the ex post facto clauses of the state and federal Constitutions?

**#11-114 *People v. J.I.A., S194841.*** (G040625; 196 Cal.App.4th 393; Orange County Superior Court; 04NF4197.) 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.)

## **DISPOSITIONS**

The following cases were transferred for reconsideration in light of *Stark v Superior Court* (2011) 52 Cal.4th 368:

**#06-133 *People v. Bradley, S146985.***

**#09-48 *People v. Aldana, S174836.***

Review in the following cases was dismissed in light of *Davis v. United States* (2011) \_\_\_ U.S. \_\_\_, 131 S.Ct. 2419:

**#10-96 *People v. Henry, S183964.***

**#11-41 *People v. Estrada, S191196.***

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