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NEWS RELEASE

Release Number: **S.C. 04/05**

Release Date: **January 28, 2005**

Summary of Cases Accepted During the Week of January 24, 2005

#05-20 *People v. Fernandez*, S129338. (E034306; 123 Cal.App.4th 137; San Bernardino County Superior Court; FWV 026468.) Petition for review after the Court of Appeal affirmed judgments of convictions of criminal offenses.

#05-21 *People v. Jaffe*, S129344. (H026265; 122 Cal.App.4th 1559, mod. 123 Cal.App.4th 1106e; Santa Clara County Superior Court; EE220540.) Petition for review after the Court of Appeal modified and otherwise affirmed a judgment of conviction of criminal offenses.

#05-22 *People v. Martinez*, S130107. (A104728; unpublished opinion; Lake County Superior Court; CR5244.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses and remanded for resentencing.

The court ordered briefing in *Fernandez*, *Jaffe*, and *Martinez* deferred pending decision in *People v. Black*, S126182 (#04-83) and *People v. Towne*, S125677 (#04-75), which include the following issues: (1) Does *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, preclude a trial court from making findings on aggravating factors in support of an upper term sentence? (2) What effect does *Blakely* have on a trial court's imposition of consecutive sentences?

DISPOSITION

#03-52 *People v. Minsky*, S113966, was dismissed in light of *People v. Leal* (2004) 33 Cal.4th 999.

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