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NEWS RELEASE

Release Number: **S.C. 07/06**

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Summary of Cases Accepted During the Week of February 13, 2006

The Supreme Court has announced that no cases were accepted during the week of February 13, 2006.

STATUS

In re Freeman, S122590. The court directed the parties to file supplemental briefs addressing the following issues: (1) Has a violation of *People v. Wheeler* (1978) 22 Cal.3d 258 or *Batson v. Kentucky* (1986) 476 U.S. 79 been stated if the habeas corpus record fails to establish that the excused juror was in fact a member of the cognizable group asserted by the party challenging the exercise of the peremptory challenge? (2) Has a violation of *People v. Wheeler, supra*, or *Batson v. Kentucky, supra*, been stated if the party's exercise of a peremptory challenge was based on permissible *and* impermissible reasons? In other words, does a peremptory challenge based on mixed motives violate *Wheeler* or *Batson*? (See *People v. Schmeck* (2005) 37 Cal.4th 240, 275-276.)

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