



NEWS RELEASE

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Summary of Cases Accepted During the Week of February 25, 2008

[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.]

#08-44 *In re Julian R., S159282.* (H031292; 156 Cal.App.4th 1404; Monterey County Superior Court; J38483.) Petition for review after the Court of Appeal reversed an order in a wardship proceeding and remanded for redetermination of maximum commitment term. This case presents the following issues: (1) When a juvenile ward is committed to the custody of the Division of Juvenile Justice, must the juvenile court orally set the maximum period of physical confinement at the dispositional hearing or does a notation on the signed commitment form suffice? (2) Did the juvenile court fail to consider the facts and circumstances of the particular case in setting the maximum commitment term here?

#08-45 *Murphy v. Burch, S159489.* (A117051; 156 Cal.App.4th 1434; Mendocino County Superior Court; SCUK-CVG-0493420.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents issues concerning the application of the common law doctrine of easement by necessity, including the question whether, in view of the federal government's power of eminent domain, the common law doctrine of easement by necessity applies to land originally owned by and subsequently conveyed by the federal government.

#08-46 *Ste. Marie v. Riverside County Regional Park & Open-Space Dist., S159319.* (E041312; 156 Cal.App.4th 1148; Riverside County Superior Court; RIC416770.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative

mandate. This case presents the following issue: Did the lower courts err in this case by concluding that property acquired by the District for recreational purposes was “actually dedicated” by operation of law, pursuant to Public Resources Code section 5565, and that Public Resources Code section 5540 required the District to obtain the consent of a majority of voters in the District in order to validly convey the property to a local community college district?

#08-47 *In re Staben*, S159042. (E041712; nonpublished opinion; Riverside County Superior Court; RIC454914.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Lawrence*, S154018 (#07-399), *In re Shaputis*, S155872 (#07-428), and *In re Jacobson*, S156416 (#07-461), which include the following issue: In making parole suitability determinations for life prisoners, to what extent should the Board of Parole Hearings, under Penal Code section 3041, and the Governor, under Article V, section 8(b) of the California Constitution and Penal Code section 3041.2, consider the prisoner’s current dangerousness, and at what point, if ever, is the gravity of the commitment offense and prior criminality insufficient to deny parole when the prisoner otherwise appears rehabilitated?

#08-48 *People v. Trujillo*, S160196. (E040053; nonpublished opinion; Riverside County Superior Court; RIF125191.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Towne*, S125677 (#04-75), which presents issues concerning the use as aggravating sentencing of such factors as being on probation or parole when a crime was committed and prior unsatisfactory performance on probation or parole.

DISPOSITION

Review in the following case was dismissed in light of *In re James F.* (2008) 42 Cal.4th 901:

#07-302 *In re Jaclyn S.*, S153178.