



NEWS RELEASE

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Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of July 9, 2007

[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.]

#07-280 *People v. Anderson, S152695.* (C047502, C048283; 149 Cal.App.4th 183, mod. 150 Cal.App.4th 305a; Sacramento County Superior Court; 03F00398.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Do double jeopardy principles preclude retrial of a sentencing allegation under the one strike law (Pen. Code, § 667.61) if the jury convicts the defendant of a qualifying offense but is unable to reach a verdict on the related sentencing allegation? (See also *Porter v. Superior Court, S152273* [#07-281].)

#07-281 *Porter v. Superior Court, S152273.* (H029884; 148 Cal.App.4th 889; Monterey County Superior Court; SS042332A.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Do double jeopardy principles preclude retrial of the allegation that an attempted murder was willful, deliberate and premeditated (Pen. Code, § 664, subd. (a)) or retrial of an enhancement for allegedly committing the crime for the benefit of a criminal street gang (Pen. Code, § 186.22, subd. (b)) if the trial court granted a motion for a new trial on those allegations because the jury's verdicts were "contrary to . . . [the] evidence" within the meaning of Penal Code section 1181, subdivision 6? (See also *People v. Anderson, S152695* [#07-280].)

#07-282 *People v. Julius, S152672.* (C049159; nonpublished opinion; Shasta County Superior Court; 04F931.) Petition for review after the

Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Izaguirre*, S132980 (#05-117), and *People v. Sloan*, S132605 (#05-125), which concern whether enhancement allegations should be considering in determining whether a lesser offense is necessarily included in a charged offense as pled in the information or indictment.

#07-283 *People v. Shelton*, S153186. (E040931; nonpublished opinion; San Bernardino County Superior Court; FSB055673.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Lopez*, S149364 (#07-107), and *People v. Olguin*, S149303 (#07-108), which present the following issue: May a trial court impose a condition of probation requiring a probationer to obtain permission from his or her probation officer in order to own any pet?

In the following cases, which present issues relating to the effect of *Cunningham v. California* (2007) 549 U.S. ___, 127 S.Ct. 856, on California sentencing law, the court ordered briefing deferred pending further order of the court:

#07-284 *People v. Booth*, S153149. (D047740; nonpublished opinion; Imperial County Superior Court; JCF14228.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-285 *People v. Buckley*, S153190. (E039664; nonpublished opinion; San Bernardino County Superior Court; FSB047392.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

#07-286 *People v. Bynum*, S153110. (A113782; nonpublished opinion; Lake County Superior Court; CR035737, CR034808.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-287 *People v. Colorina*, S152987. (D048735; nonpublished opinion; San Diego County Superior Court; SCE255860.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-288 *People v. Green*, S152919. (B178945; nonpublished opinion; Los Angeles County Superior Court; YA056315.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses.

#07-289 *People v. Luna, S153148.* (F050749; nonpublished opinion; Kern County Superior Court; BF113927A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-290 *People v. Mayzes, S153247.* (A106553; nonpublished opinion; Marin County Superior Court; SC132695.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

#07-291 *People v. Raymond, S153072.* (B189046; nonpublished opinion; Los Angeles County Superior Court; TA081540.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-292 *People v. Rivera, S153103.* (B187176; nonpublished opinion; Los Angeles County Superior Court; BA281996.) Petition for review after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses.

#07-293 *People v. Rizo, S153176.* (B189432; nonpublished opinion; Los Angeles County Superior Court; BA282614.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-294 *People v. Rosen, S152432.* (C048139; 148 Cal.App.4th 1311; Sacramento County Superior Court; 02F04042.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-295 *People v. Rynhard, S153026.* (H030009; nonpublished opinion; Santa Clara County Superior Court; CC577995.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-296 *People v. Silas, S152707.* (B195194; nonpublished opinion; Los Angeles County Superior Court; VA086430.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-297 *People v. Steele, S153296.* (C052743; nonpublished opinion; Sacramento County Superior Court; 04F10823.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-298 *People v. Waymire, S152888.* (C051736; 149 Cal.App.4th 1448, mod. 150 Cal.App.4th 1272a; Sutter County Superior Court; CRF041084.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-299 *People v. White, S153193.* (F050184; nonpublished opinion; Fresno County Superior Court; F05908615-8.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-300 *People v. Wilbur, S152979.* (A113381; nonpublished opinion; Alameda County Superior Court; H35143.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

DISPOSITIONS

Review in the following cases was dismissed in light of *People v. Dolly* (2007) 40 Cal.4th 458:

#05-220 *People v. Rodgers, S137422.*

#06-80 *People v. Castro, S143426.*

Review in the following cases was dismissed in light of *People v. Giles* (2007) 40 Cal.4th 833:

#04-163 *People v. Jiles, S128638.*

#05-58 *People v. Baca, S130496.*

#07-135 *People v. Costello, S150173.*

The following case was transferred for reconsideration in light of *People v. Giles* (2007) 40 Cal.4th 833:

#06-96 *People v. Garces, S145056.*

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