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NEWS RELEASE

Release Number: **S.C. 30/10**

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Summary of Cases Accepted During the Week of July 26, 2010

[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.]

#10-91 *People v. Hopkins*, S183724. (H034048; 184 Cal.App.4th 615; Monterey County Superior Court; SS081897.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Brown*, S181963 (#10-64), which presents the following issue: Does Penal Code section 4019, as amended to increase presentence custody credits for certain offenders, apply retroactively?

#10-92 *People v. Tepetitla-Cruz*, S182843. (E046846; 183 Cal.App.4th 1451; Riverside County Superior Court; RIF139177.) 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. Soto*, S167531 (#08-174), which presents the following issue: Is the victim's consent a defense to a charge of committing lewd acts with a child under 14 years of age by "use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury" (Pen. Code, § 288, subd. (b))?

STATUS

#09-63 *People v. Anderson*, S175351. The court requested the parties to file supplemental letter briefs directed to the merits of the Court of Appeal's conclusion that "[Penal Code] section 211's requirement of the use of force or fear in accomplishing the taking of the property or in retaining the property during asportation or escape in effect requires a purposeful or willful act involving a general intent to use force or fear to

initially take property or thereafter retain the stolen property during asportation or escape. Absent that purposeful or willful use of force, a robbery is not committed.” (Filed opn., p. 18.) The court also requested the parties to explain whether the jury was informed that the prosecution was required to prove defendant intended to use force against the victim or to cause the victim to experience fear.

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