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NEWS RELEASE

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Summary of Cases Accepted During the Week of August 11, 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.]

#08-128 *People v. Albillar, S163905.* (B194358; 162 Cal.App.4th 935; Ventura County Superior Court; 2005044985.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court limited review to the following issue: Did substantial evidence support defendants' convictions under Penal Code section 186.22, subdivision (a), and the true findings with respect to the enhancements under Penal Code section 186.22, subdivision (b)?

#08-129 *People v. Kelly, S164830.* (B195624; 163 Cal.App.4th 124; Los Angeles County Superior Court; VA092724.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Does Health & Safety Code section 11362.77 violate the California Constitution by amending the Compassionate Use Act without voter approval? (2) Were there alternative remedies to invalidating section 11362.77 in its entirety?

#08-130 *Society for Krishna Consciousness v. City of Los Angeles, S164272.* (9th Cir. No. 01-56579; 530 F.3d 768; Central District of California; CV 97-03616-CBM.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The questions presented, as restated by this court, are: "(1) Is Los Angeles International Airport a public forum under the

Liberty of Speech Clause of the California Constitution? (2) If so, does the ordinance at issue violate the California Constitution?” (Cal. Rules of Court, rule 8.548(f)(5).)

#08-131 *In re Armstrong*, S164269. (D051629; nonpublished opinion; San Diego County Superior Court; HC18110.) Petition for review after the Court of Appeal affirmed an order granting 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?

#08-132 *People v. Iraheta*, S164168. (B173223; nonpublished opinion; Los Angeles County Superior Court; YA053097.) 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. Chun*, S157601 (#07-469), which presents the following issue: Does the offense of discharging a firearm at an occupied vehicle in violation of Penal Code section 246 merge with a resulting homicide under *People v. Ireland* (1969) 70 Cal.2d 522, if there is no admissible evidence of an independent and collateral criminal purpose other than to commit an assault?

#08-133 *People v. Johnson*, S164388. (D050751; 162 Cal.App.4th 1263; San Diego County Superior Court; MH99230.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending decision in *People v. McKee*, S162823 (#08-107), which presents the following issues: Does the amended Sexually Violent Predator Act violate appellant’s constitutional rights to due process of law, is it an illegal ex post facto law, and does it violate equal protection?

#08-134 *People v. Wood*, S164211. (A116693; nonpublished opinion; San Bernardino County Superior Court; SC60825.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Kelly*, S164830 (#08-129), which presents the following issues: (1) Does Health & Safety Code section 11362.77 violate the California Constitution by amending the Compassionate Use Act without voter approval? (2) Were there alternative remedies to invalidating section 11362.77 in its entirety?