



**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## Summary of Cases Accepted and Related Actions the Week of December 31, 2012

*[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.]*

**#13-01 *People v. Gutierrez, S206365.*** (B227606; 209 Cal.App.4th 646; Ventura County Superior Court; 2008011529.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Does the sentence of life without parole imposed on this juvenile offender under Penal Code section 190.5, subdivision (b), violate the Eighth Amendment under *Miller v. Alabama* (2012) \_\_ U.S. \_\_ [132 S.Ct. 2455]?

**#13-02 *In re Maricela H., S206953.*** (B238635; 210 Cal.App.4th 615; Los Angeles County Superior Court; CK90742.) Petition for review after the Court of Appeal affirmed the judgment in a juvenile dependency proceeding. This case presents the following issue: Does Welfare and Institutions Code section 300, subdivision (b), authorize dependency jurisdiction without a finding that parental fault or neglect is responsible for the failure or inability to supervise or protect the child?

**#13-03 *People v. Moffett, S206771.*** (A133032; 209 Cal.App.4th 1465; Contra Costa County Superior Court; 050513788.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did the Court of Appeal err in remanding for resentencing in light of *Miller v. Alabama* (2012) 567 U.S. \_\_ [132 S.Ct. 2455], although Penal Code section 190.5, subdivision (b), does not mandate a sentence of life without parole for a juvenile convicted of a special circumstance murder?

**#13-04 *In re Taylor, S206143.*** (D059574; 209 Cal.App.4th 210; San Diego County Superior Court; HC19612, HC19731, HC19742, HC19743.) Petition for review after the Court of Appeal affirmed orders granting relief on petitions for writ of habeas corpus. The court limited review to the following issue: Does the residency restriction of Penal

Code section 3003.5, subdivision (b), when enforced as a mandatory parole condition against registered sex offenders paroled to San Diego County, constitute an unreasonable statutory parole condition that infringes on their constitutional rights? (See *In re E.J.* (2010) 47 Cal.4th 1258, 1282, fn. 10.)

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