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NEWS RELEASE

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Summary of Cases Accepted During the Week of July 23, 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.]

#07-317 *People v. Kim*, S153183. (H029324; 150 Cal.App.4th 1158; Monterey County Superior Court; SM970463.) Petition for review after the Court of Appeal reversed orders in a criminal proceeding. This case includes the following issues: (1) Is a person who petitions for a writ of habeas corpus “restrained of his liberty” within the meaning of Penal Code section 1473, subdivision (a), when he is in the custody of federal immigration officials solely because of a California conviction on which the sentence has fully expired? (2) Is the writ of error *coram nobis* available to challenge a California conviction on which the sentence has fully expired if the conviction is presently the basis of federal immigration proceedings and the petitioner alleges that trial counsel failed to properly advise him as to the immigration consequences of the conviction and that he did not in fact know what those consequences would be? (3) Did the trial court have the power to grant petitioner’s non-statutory motion to vacate judgment for ineffective assistance of counsel in failing to properly advise him of the immigration consequences of the conviction?

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:

#07-318 *People v. Alamouti*, S153744. (B188185; nonpublished opinion; Los Angeles County Superior Court; LA044046.) Petition for

review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-319 *People v. Armster, S152604*. (E038151; nonpublished opinion; Riverside County Superior Court; RIF108728.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses.

#07-320 *People v. Harmon, S153707*. (C048591; nonpublished opinion; Sacramento County Superior Court; 02F05116, 02F02326, 00F04127.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-321 *People v. Little, S153727*. (D048452; nonpublished opinion; San Diego County Superior Court; SCD191845.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses.

#07-322 *People v. Lopez, S153829*. (F047215; nonpublished opinion; Kern County Superior Court; BF107225A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-323 *People v. Lozano, S153733*. (B189649; 150 Cal.App.4th 1304; Los Angeles County Superior Court; NA068234.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

#07-324 *People v. Perez, S153741*. (F051537; nonpublished opinion; Kings County Superior Court; 04CM3942.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-325 *People v. Roberts, S153152*. (A111329; nonpublished opinion; Del Norte County Superior Court; CRPB04-5192.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

#07-326 *People v. Sartoresi, S153553*. (E040119; nonpublished opinion; San Bernardino County Superior Court; FVI018458.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-327 *People v. Schnabel, S152830*. (C052400; 150 Cal.App.4th 83; Sacramento County Superior Court; 04F09537.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-328 *People v. Selitsch, S153575*. (A114345; nonpublished opinion; Mendocino County Superior Court; SCU KCRCR03-55715.) Petition for review after the Court of

Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense.

#07-329 *People v. Sotello, S153078.* (F050202; nonpublished opinion; Kings County Superior Court; 05CM4504, 05CM4598.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

#07-330 *People v. Weatherspoon, S153688.* (B190915; nonpublished opinion; Los Angeles County Superior Court; BA282894.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

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