



NEWS RELEASE

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Summary of Cases Accepted During the Week of August 15, 2005

[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.]

#05-183 *People v. Hayes*, S134640. (B171374; unpublished opinion; Los Angeles County Superior Court; BA197149.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Shabazz*, S131048 (#05-57), which includes the following issue: When a defendant is convicted of an offense that is punishable by a sentence of imprisonment for life without the possibility of parole, is the defendant also subject to a sentence enhancement of 25 years to life under Penal Code section 12022.53, subdivision (d), for personally discharging a firearm and causing death, or does Penal Code section 12022.53, subdivision (j), preclude the imposition of that enhancement when the punishment for the defendant's underlying felony is imprisonment for life without the possibility of parole?

#05-184 *Conservatorship of Karen N.*, S135582. (D045389; unpublished opinion; San Diego County Superior Court; MH97381.) Petition for review after the Court of Appeal affirmed the judgment in a conservatorship proceeding. The court ordered briefing deferred pending decision in *Conservatorship of Ben C.*, S126664 (#04-97), which presents the following issue: Is the Court of Appeal required to conduct an independent review of the record in an appeal from a conservatorship order if appointed counsel for the conservatee files a brief stating that counsel has found no reasonably meritorious issues? (See *Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436; *In re Sade C.* (1996) 13 Cal.4th 952.)

(over)

DISPOSITIONS

The following case was transferred to the Court of Appeal for reconsideration in light of *People v. Thomas* (2005) 35 Cal.4th 635:

#03-125 *People v. Chacon*, S117879.

The following case was transferred to the Court of Appeal for reconsideration in light of *Delgado v. Trax Bar & Grill* (2005) 36 Cal.4th 224:

#04-05 *Avila v. Jado Properties, Inc.*, S120396.