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NEWS RELEASE

Release Number: **S.C. 35/07**

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Summary of Cases Accepted During the Week of August 27, 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.]

#07-385 *People v. Duff*, S153917. (G036562; 151 Cal.App.4th 913; Orange County Superior Court; 04NF2414.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does Penal Code section 2933.2, which provides that “any person who is convicted of murder . . . shall not accrue any credit, as specified in [Penal Code] section 2933,” apply where the defendant was convicted of murder but the sentence was stayed under Penal Code section 654?

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:

#07-386 *People v. Baldwin*, S154264. (B192318; nonpublished opinion; Los Angeles County Superior Court; LA049773.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#07-387 *People v. Garcia*, S154416. (E039839; nonpublished opinion; San Bernardino County Superior Court; FSB052583.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

(over)

#07-388 *People v. Macklin*, S154280. (B190650; nonpublished opinion; Los Angeles County Superior Court; KA071834.) Petition for review after the Court of Appeal remanded for resentencing in part and otherwise affirmed judgments of conviction of criminal offenses.

#07-389 *People v. Perez*, S154845. (F048570; nonpublished opinion; Kings County Superior Court; 05CM0420.) Petition for review after the Court of Appeal remanded with directions and otherwise affirmed a judgment of conviction of criminal offenses.

#07-390 *People v. Torres*, S154461. (B190227; nonpublished opinion; Los Angeles County Superior Court; BA285923.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

STATUS

#07-364 *People v. Chavez*, S153920. The court ordered the issues to be briefed and argued limited to the following issue: Did the Court of Appeal erred in imposing a Government Code section 70372 state court construction penalty on defendant's various fines, penalties, and fees without remanding to the trial court to determine the amount by which the state court construction penalty should be reduced pursuant to section 70375?

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