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NEWS RELEASE

Release Number: **S.C. 38/07**

Release Date: **September 21, 2007**

Summary of Cases Accepted During the Week of September 17, 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.]

#07-399 *In re Lawrence*, S154018. (B190874; 150 Cal.App.4th 1511; Los Angeles County Superior Court; A174924.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. This case includes 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?

#07-400 *People v. Caesar*, S154793. (D050387; 153 Cal.App.4th 114; Riverside County Superior Court; RIF119567.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed as modified judgments of conviction of criminal offenses.

#07-401 *People v. Pacheco*, S153739. (B188797; nonpublished opinion; Los Angeles County Superior Court; GA059672.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed judgments of conviction of criminal offenses.

The court ordered briefing in *Caesar* and *Pacheco* deferred pending decision in *People v. Towne*, S125677 (#04-75), which includes the following issue: *Do Cunningham v. California* (2007) 549 U.S. ___, 127

(over)

S.Ct. 856, and *Almendarez-Torres v. United States* (1998) 523 U.S. 224, 239-247, permit the trial judge to sentence defendant to the upper term based on any or all of the following aggravating factors, without submitting them to a jury: the defendant has served a prior prison term; the defendant was on parole when the crime was committed; the defendant's prior performance on probation or parole was unsatisfactory (California Rules of Court, Rule 4.421, subds. (b)(2) – (b)(5))?

#07-402 *People v. Heyden*, S155465. (E041047; nonpublished opinion; San Bernardino County Superior Court; FSB056195.) 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. Lopez*, S149364 (#07-107), and *People v. Olguin*, S149303 (#07-108), which present the following issue: May a trial court impose a condition of probation requiring a probationer to obtain permission from his or her probation officer in order to own any pet?

#07-403 *McAdams v. Monier*, S154088. (C0517841; 151 Cal.App.4th 667; Placer County Superior Court; SCV16410.) Petition for review after the Court of Appeal reversed an order denying class certification in a civil action. The court ordered briefing deferred pending decision in *In re Tobacco Cases II*, S147345 (#06-120), which includes the following issues: (1) In order to bring a class action under Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.), as amended by Proposition 64 (Gen. Elec. (Nov. 2, 2004)), must every member of the proposed class have suffered “injury in fact,” or is it sufficient that the class representative comply with that requirement? (2) In a class action based on a manufacturer's alleged misrepresentation of a product, must every member of the class have actually relied on the manufacturer's representations?

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