



NEWS RELEASE

Release Number: **S.C. 47/10**

Release Date: **November 24, 2010**

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Summary of Cases Accepted During the Week of November 22, 2010

[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.]

#10-134 *People v. Cravens, S186661*. (D054613; nonpublished opinion; San Diego County Superior Court; SCD206917.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Was the evidence sufficient to support defendant's conviction for second degree murder on a theory of implied malice when defendant, during a lull in a fight between the victim and one of defendant's friends, knocked the victim unconscious with a single punch, causing him to fall to the ground, fracture his skull, and die? (2) Did the CA properly reduce defendant's murder conviction to voluntary manslaughter on the theory that any unintentional killing without malice that occurs during the commission of a felony assault is voluntary manslaughter?

#10-135 *Baca v. Superior Court, S186253*. (C062609; 187 Cal.App.4th 1534; San Joaquin County Superior Court; SC061757C.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Catlin v. Superior Court, S167148* (#08-165), which presents the following issue: Must a motion under Penal Code section 1054.9, which authorizes prisoners under sentence of death or life without the possibility of parole to bring post-conviction discovery motions, be brought within a reasonable time period?

#