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**FOR IMMEDIATE RELEASE**

April 3, 2012

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## **California Supreme Court To Open Calendar Session Tomorrow in Los Angeles**

San Francisco—The California Supreme Court will hold a two-day oral argument session starting tomorrow, April 4, 2012, through Thursday, April 5, 2012, in the Supreme Court Courtroom, Ronald Reagan State Office Building, North Tower, 300 South Spring Street, Los Angeles.

The Supreme Court will hear 11 civil and criminal cases, including two death penalty appeals. To view the court's calendar with case summaries, see the cases listed below or visit the California Courts Web site at <http://www.courtinfo.ca.gov/courts/calendars/documents/SAPRA12.PDF>.

Legal briefs in the cases to be argued are posted online as a courtesy to the public, the press, and the bar at <http://www.courts.ca.gov/17325.htm>.

As a service to the Bay Area news media, the Supreme Court will provide a closed-circuit television broadcast of the two-day oral argument session in the Judicial Council Conference Center, 455 Golden Gate Avenue, Third Floor, Catalina Room, San Francisco.

The Supreme Court's April 4-5 calendar follows:

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
LOS ANGELES SESSION  
APRIL 4 AND 5, 2012**

*The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.*

**WEDNESDAY, APRIL 4, 2012—9:00 A.M.**

**(1) *State Building & Construction Trades Council of California, AFL-CIO v. City of Vista et al.*, S173586**

#09-46 State Building & Construction Trades Council of California, AFL-CIO v. City of Vista et al., S173586. (D052181; 173 Cal.App.4th 567; Superior Court of San Diego County; 37-2007-00054316-CU-WM-NC.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: Does California's prevailing wage law (Lab. Code, § 1720 et seq.) apply to a charter city when it contracts to construct public works projects with municipal funds?

**(2) *Sharp (Calvin Leonard) v. Superior Court of Ventura County (The People, Real Party in Interest)*, S190646**

#11-47 Sharp (Calvin Leonard) v. Superior Court of Ventura County (The People, Real Party in Interest), S190646. (B222025; 191 Cal.App.4th 1280; Superior Court of Ventura County; 2008014330.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court limited review to the following issue: Does Penal Code section 1054.3, subdivision (b), as amended effective January 1, 2010, alter the existing provisions of law regarding court-ordered examinations of criminal defendants in sanity proceedings, specifically Penal Code sections 1026 and 1027?

**(3) *Tomlinson (Fred) et al. v. County of Alameda et al. (Y. T. Wong et al., Real Parties in Interest)*, S188161**

#11-05 Tomlinson (Fred) et al. v. County of Alameda et al. (Y. T. Wong et al., Real Parties in Interest), S188161. (A125471; 188 Cal.App.4th 1406; Superior Court of Alameda County; RG08396845.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issue: Does Public Resources Code section 21177 require a petitioner to exhaust administrative remedies before filing an action challenging a public agency's decision that a proposed project is categorically exempt from the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.)?

**1:30 P.M.**

**(4) *In re M.M.; The People v. M.M., S177704***

#10-08 *In re M.M.; The People v. M.M., S177704.* (E045714; 177 Cal.App.4th 1339; Superior Court of San Bernardino County; J220179.) Petition for review after the Court of Appeal reversed orders in a juvenile wardship proceeding. This case presents the following issue: Is a campus security officer employed by a public school district a “public officer” for purposes of a charge of willfully resisting, delaying, or obstructing a “public officer” in violation of Penal Code section 148?

**(5) *People v. McDowell, Jr. (Charles), S085578* [Automatic Appeal]**

This matter is an automatic appeal from a judgment of death.

**(6) *People v. Streeter (Howard Larcell), S078027* [Automatic Appeal]**

This matter is an automatic appeal from a judgment of death.

**THURSDAY, APRIL 5, 2012—9:00 A.M.**

**(7) *People v. Brown III (James Lee), S181963***

#10-64 *People v. Brown III (James Lee), S181963.* (C056510; 182 Cal.App.4th 1354; Superior Court of Lassen County; CR024002.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does Penal Code section 4019, as amended to increase presentence custody credits for certain offenders, apply retroactively?

**(8) *People v. Jones (Jarvonne Feredell), S179552 (Cantil-Sakauye, C. J., not participating; Sepulveda, J., assigned justice pro tempore)***

#10-36 *People v. Jones (Jarvonne Feredell), S179552.* (C060376; nonpublished opinion; Superior Court of Sacramento County; 08F04254.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court properly impose concurrent sentences for being a felon in possession of a firearm (Pen. Code, § 12021, subd. (a)(1)) and carrying a loaded, concealed

firearm (Pen. Code, § 12025, subd. (b)(6)) under the present circumstances? (See Pen. Code, § 654; *People v. Harrison* (1969) 1 Cal.App.3d 115, 121-122.)

**(9) *People v. Correa (Victor), S163273 (Cantil-Sakaue, C. J., not participating; Sepulveda, J., assigned justice pro tempore)***

#08-108 *People v. Correa (Victor), S163273.* (C054365; 161 Cal.App.4th 980; Superior Court of Sacramento County; 06F1135.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant properly sentenced on multiple counts of being a felon in possession of a firearm after he was discovered in a closet with a cache of weapons?

**1:30 P.M.**

**(10) *Smith v. Superior Court of the City and County of San Francisco (The People, Real Party in Interest), S188068***

#11-03 *Smith v. Superior Court of the City and County of San Francisco (The People, Real Party in Interest), S188068.* (A124763; 189 Cal.App.4th 769; Superior Court of San Francisco County; 207788.) Petition for review after the Court of Appeal granted a peremptory petition for writ of mandate. This case presents the following issues: (1) When a defendant has asserted his or her statutory right to a speedy trial within 60 days, but a jointly charged codefendant has requested a trial beyond the 60-day period because of his or her counsel's unavailability for good cause, may the 10-day grace period described in Penal Code section 1382, subdivision (a)(2)(B), be applied to the objecting defendant? (2) In such circumstances, does good cause exist under Penal Code section 1382, subdivision (a), or Penal Code section 1050.1 to continue the objecting defendant's trial to maintain joinder?

**(11) *People v. Mena (Joaquin), S173973***

#09-50 *People v. Mena (Joaquin), S173973.* (D052091; 173 Cal.App.4th 1446; Superior Court of San Diego County; SCD205930.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did defendant forfeit his right to appeal the denial of his request for a physical identification lineup prior to the preliminary hearing (see *Evans v. Superior Court* (1974) 11 Cal.3d 617) because he failed to seek immediate review of the ruling by filing a petition for writ of mandate?

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