



NEWS RELEASE

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Summary of Cases Accepted During the Week of February 20, 2012

[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.]

#12-17 *In re Grant on Discipline, S197503.* (Unpublished order; State Bar Ct. No. 09-C-12232). Petition for writ of review after a State Bar Court recommendation of discipline. This case presents the following issue: Did the felony conviction for possession of child pornography suffered by the member of the State Bar in this case involve moral turpitude warranting the member's disbarment rather than lesser discipline?

#12-18 *People v. Arriaga, S199339.* (B225443; 201 Cal.App.4th 429; Los Angeles County Superior Court; A537388.) Petition for review after the Court of Appeal affirmed the denial of a motion to vacate a judgment of conviction of a criminal offense. This case presents the following issues: (1) Must a defendant obtain a certificate of probable cause in order to appeal the denial of a motion to withdraw a guilty plea for failure by the court or counsel to advise the defendant of the immigration consequences of the plea in accordance with Penal Code section 1016.5? (2) Can the People overcome, by a preponderance of the evidence, the presumption that advisements were not given or must the presumption be overcome by clear and convincing evidence?

#12-19 *People v. Santana, S198324.* (D059013; 200 Cal.App.4th 182; Riverside County Superior Court; RIF139207.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Does CALCRIM No. 801, which defines the crime of mayhem,

incorrectly require the People to prove that a defendant caused serious bodily injury to the victim?

STATUS

#11-02 *People v. Runyan*, S187804. The court requested the parties to file simultaneous letter briefs addressing the following issues: Assuming that, under Penal Code section 1202.4, a decedent's estate, through his or her personal representative, may collect, on the decedent's behalf, mandatory restitution for "economic loss" incurred directly and personally by the decedent as a result of the defendant's criminal conduct: (1) Were the various categories of restitution, and each of them, assessed against defendant intended to represent economic loss directly and personally incurred by the decedent as a result of the defendant's criminal conduct? (2) Does Penal Code section 1202.4 require, or permit, restitution for direct and personal loss ostensibly incurred by the victim *at or after the time of the victim's death*, and *as a consequence of the victim's death*? (Compare, e.g., Code Civ. Proc., §§ 337.30 et seq., 337.60 et seq.; *People v. Slattery* (2008) 167 Cal.App.4th 1091, 1097; *Pease v. Beech Aircraft Corp.* (1974) 38 Cal.App.3d 450, 460, fn. 1.)

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