



NEWS RELEASE

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Summary of Cases Accepted and Related Actions for Week of May 21, 2012

[This news release is issued to inform the public and the press of cases that the California Supreme Court has accepted, their general subject matter, and related actions. The statement of the issue or issues in each case does not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.]

#12-58 *Berkeley Hillside Preservation v. City of Berkeley*, S201116.

(A131254; 203 Cal.App.4th 656; Alameda County Superior Court; RG10517314.) 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: Did the City of Berkeley properly conclude that a proposed project was exempt from the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) under the categorical exemptions set forth in California Code of Regulations, title 14, sections 15303, subdivision (a), and 15332, and that the “Significant Effects Exception” set forth in section 15300.2, subdivision (c), of the regulations did not operate to remove the project from the scope of those categorical exemptions?

#12-59 *People v. Rouse*, S201479. (H034647; 203 Cal.App.4th 1246; Santa Clara County Superior Court; CC818769.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Villatoro*, S192531 (#11-87), which presents the following issue: Was the modification of CALJIC No. 1191, which told the jurors they could consider evidence of a charged offense in determining defendant’s propensity to commit the other charged offenses (see Evid. Code, § 1108), reversible error when the court also informed the jurors that all charged offenses must be proved beyond a reasonable doubt?

#12-60 *People v. Schoenbachler*, S201241. (H035242; 203 Cal.App.4th 1382; Monterey County Superior Court; SS062140.) 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. Correa*, S163273 (#08-108), which presents the following issue: Was defendant properly sentenced on multiple counts of being a felon in possession of a firearm where he was discovered in a closet with a cache of weapons?

#12-61 *In re Thompkins*, S200997. (D060171; 203 Cal.App.4th 624; San Diego County Superior Court; CR79417.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *In re Vicks*, S194129 (#11-86), which presents the following issue: Can Penal Code section 3041.5, as amended by the “Victims’ Bill of Rights Act of 2008: Marsy’s Law,” which decreased the frequency of parole consideration hearings, be applied to life inmates convicted before the effective date of the amendments without violating the ex post facto clauses of the state and federal Constitutions?

STATUS

#11-06 *People v. Aranda*, S188204. The court ordered the parties to submit supplemental briefs on the following issue: Assuming the trial court’s failure to include the standard reasonable doubt instruction in its predeliberation charge to the jury constituted federal constitutional error, and that such error is subject to harmless error analysis, was the error harmless as to the conviction of active participation in a criminal street gang in violation of Penal Code section 186.22, subdivision (a)?

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