



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of September 10, 2012

[This news release is issued to inform the public about 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.]

#12-94 *People v. Vargas, S203744.* (B231338; 206 Cal.App.4th 971; Los Angeles County Superior Court; KA085541.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the following issues: (1) Was the trial court required to dismiss one of defendant's two prior convictions under the three strikes law, when they arose from the same prior incident and were based on the same act? (2) If dismissal of one prior conviction was not mandatory, did the trial court abuse its discretion by failing to dismiss one?

#12-95 *Macy v. Superior Court, S204255.* (H037138; 206 Cal.App.4th 1393, mod. 207 Cal.App.4th 395a; Santa Cruz County Superior Court; ME-43.) Petition for review after the Court of Appeal denied without prejudice a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Reilly v. Superior Court, S202280* (#12-63), which presents the following issue: Was petitioner entitled to dismissal of a petition for commitment under the Sexually Violent Predator Act (Welf. & Inst. Code, § 6600 et seq.) when the evaluations originally supporting the filing of the petition were conducted under an assessment protocol that was later found to constitute an invalid regulation and the results of reevaluation under a properly-adopted assessment protocol would have precluded the initial filing of the petition under Welfare and Institutions Code section 6601?

STATUS

#09-56 *Steen v. Appellate Division, S174773.* In this case, in which the court previously issued an order to show cause, the respondent and real party in interest were ordered to show cause why the relief prayed for in the petition for writ of mandate filed July 20, 2009, should not be granted on the following two additional grounds: (1) Penal Code

section 959.1, subdivision (c), violates due process. (See U.S. Const., 14th Amend.; Cal. Const., art. I, § 7.) (2) The prosecution in this case was not commenced within the statute of limitations. (See Pen. Code, §§ 802, subd. (a), 804.)

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