SUPREME COURT CALENDAR
LOS ANGELES SESSION
APRIL 6 and 7, 2004

(FIRST AMENDED)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California on April 6 and 7, 2004.

TUESDAY, APRIL 6, 2004—9:00 A.M.

(1)	S098928	In re Alva on Habeas Corpus
(2)	S109123	Villa De Las Palmas Homeowners Association v. Terifaj
(3)	S108119	People v. Delouize

2:00 P.M.

(4)	S098158	John L. v. Superior Court, County of San Diego; People
(5)	S029550	People v. Duane Holloway ***[Automatic Appeal]***

WEDNESDAY, APRIL 7, 2004—9:00 A.M.

(6)	S105058	People v. Cavitt & Williams	*To be called and continued to the Early May 2004 calendar*
(7)	S113359	Nolan v. City of Anaheim	
(8)	S103689	People v. Jones	
(9)	S106444	People v. Arnold	
(10)	S105978	People v. Jeffrey	

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

SUPREME COURT CALENDAR
LOS ANGELES SESSION
APRIL 6 and 7, 2004

(FIRST AMENDED)

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.

TUESDAY, APRIL 6, 2004—9:00 A.M.

(1) In re Alva on Habeas Corpus, S098928

#01-118 In re Alva on Habeas Corpus, S098928. (B142625; 89 Cal.App.4th 758.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case includes the following issues: (1) Does the requirement of registration as a sex offender (Pen. Code, § 290) constitute "punishment" for purposes of the cruel or unusual punishment provision of the state Constitution (Cal. Const., art. I, § 7)? (2) If so, is it cruel or unusual to impose such a requirement for misdemeanor possession of child pornography?

(2) Villa De Las Palmas Homeowners Association v. Terifaj, S109123

#02-160 Villa De Las Palmas Homeowners Association v. Terifaj, S109123. (E029449; 99 Cal.App.4th 1202.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issues: (1) Is a restriction on the keeping of pets that is adopted by a homeowners association and is recorded after the purchase of a unit in a common interest development enforceable against the owner of the unit as an equitable servitude under Civil Code section 1354? (2) What is the proper standard that governs the validity of such a restriction, and is the restriction at issue here valid?

(3) People v. Delouize, S108119

#02-133 People v. Delouize, S108119. (A093574; 98 Cal.App.4th 887.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: After granting defendant's motion for a new trial, did the superior court retain jurisdiction to vacate the order granting a new trial and to enter an order denying the motion?

2:00 P.M.

(4) John L. v. Superior Court, County of San Diego; People, S098158

#01-83 John L. v. Superior Court, County of San Diego; People, S098158. (D035995, D036142, D036290; S098158; 88 Cal.App.4th 715.) Petitions for review after the Court of Appeal denied one and granted two petitions for writ of mandate. This case presents the following issue: Does the constitutional prohibition of ex post facto laws preclude application of amendments to Welfare and Institutions Code section 777(a) that change the standard of proof and evidence required to revoke juvenile probation, in a case in which the conduct underlying the wardship determination occurred before the amendments but the conduct leading to revocation occurred after the effective date of the amendments?

(5) People v. Duane Holloway, S029550 [Automatic Appeal]

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

WEDNESDAY, APRIL 7, 2004—9: A.M.

(6) People v. Cavitt & Williams, S105058

This case has been continued to the early May 2004 Calendar.

(7) Nolan v. City of Anaheim, S113359

#03-47 Nolan v. City of Anaheim, S113359. (G028272; 104 Cal.App.4th 1170; Orange County Superior Court; 00CC03056.) Petition for review after the Court of Appeal reversed the judgment in an action for administrative mandamus. This case presents the following issue: Was the plaintiff, a police officer seeking

permanent disability retirement benefits on the ground that alleged threats and harassment from other officers rendered him "incapacitated . . . mentally for the performance of his . . . duties in the state service" (Gov. Code, § 21156), required to demonstrate only an incapacity to function in the police department that had employed him or an incapacity to function in a similar position anywhere in the state?

(8) People v. Jones, S103689

#02-55 *People v. Jones*, S103689. (C029333; unpublished opinion.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Did the trial court erroneously remove defendant's appointed counsel, over defendant's objection, for a potential conflict of interest? (2) If so, is such error reversible per se or subject to harmless error analysis, and, if the latter, was the error prejudicial in this case?

1:30 P.M.

(9) People v. Arnold, S106444 and (10) People v. Jeffrey, S105978

#02-92 People v. Arnold, S106444. (C037898; unpublished opinion.) Petition for review after the Court of Appeal reversed a judgment entered on revocation of probation in a criminal action.

#02-93 People v. Jeffrey, S105978. (A095147; unpublished opinion.) Petition for review after the Court of Appeal affirmed a judgment entered on revocation of probation in a criminal action.

Arnold and *Jeffrey* present the following issue: Does a defendant's waiver of Penal Code section 2900.5 custody credits at the time probation is imposed apply to a future term of imprisonment in the event probation is revoked?