

## RECENT WINS!

People v. Nicholas Donofrio (H033606)

Panel attorney: Stephanie Adraktas

Date: June 30, 2010

The court agreed the imposition of an AIDS education fine was unauthorized. (Staff attorney Dallas Sacher)

People v. Gomberg (H033519)

Staff attorney: Jonathan Grossman

Date: June 30, 2010

The court remanded the SVP case to the superior court for a hearing under People v. McKee (2010) 47 Cal.4th 1172.

People v. Vanvleck (H034785)

Staff attorney: Paul Couenhoven

Date: June 29, 2010

The court agreed there was insufficient evidence for the court to order an AIDS test as a consequence of conviction.

People v. Henry Bratton (H034527)

Attorney: Michael Evan Beckman

Date: June 24, 2010

The governor rejected the Parole Board setting a parole date for Mr. Bratton. He filed a petition for writ of habeas corpus, and the superior court granted relief. The government appealed. The court of appeal affirmed, though it modified the remand order slightly. (SDAP was not involved in this appeal)

People v. Flores (H034199)

Panel attorney: Alfons Wagner

Date: June 18, 2010

The court remanded the SVP case to the superior court for a hearing under People v. McKee (2010) 47 Cal.4th 1172. (Staff attorney Jonathan Grossman)

People v. Richard Timm (H033979)  
Panel attorney: David Brody  
Date: June 17, 2010

Appellant was placed on probation and the restitution fine was set at \$400. When he violated probation, the court sentenced him to prison and set the restitution fine at \$1200. The court of appeal agreed the court could not increase the restitution fine. (Staff attorney Lori Quick)

In re A.V. (H034746)  
Panel attorney: Jonathan Berger  
Date: June 11, 2010

The court of appeal modified some gang conditions of probation to avoid problems with vagueness and overbreadth. (Staff attorney Lori Quick)

In re Daniel Barrios (H034677)  
Panel attorney: Keith Wattley  
Date: June 8, 2010

The Parole Board denied Barrios's request for parole, based primarily on the commitment offense. He filed a petition for writ of habeas corpus which the superior court granted. It ordered a new parole hearing to comply with the requirements of *In re Lawrence* (2008) 44 Cal.4th 1181. The government appealed. The court of appeal affirmed with minor modifications. (Staff attorney Michael Kresser)

People v. Nilesh Singh (H032536)  
Panel attorney: Michael Mehr  
Date: June 4, 2010

Singh was in custody of the immigration officials. The superior court granted Singh's petition for writ of habeas corpus. The prosecution appealed. While the appeal was pending, the California Supreme Court held that there is no habeas corpus petition jurisdiction when the petitioner is only in custody of federal immigration officials. Panel attorney worked out a settlement with the government. The prosecution agreed to dismiss the appeal, which the court of appeal permitted. (Staff attorney Vicki Firstman)

People v. Christopher Freehart (H032967)  
Panel attorney: Gretchen Franklin  
Date: June 4, 2010

Appellant was placed on probation with a condition that he not associate with anyone who might lead to criminal activity. The court of appeal agreed the condition must be stricken as being unconstitutionally vague. (Staff attorney Jonathan Grossman)

People v. Mario Arce-Sanchez (H034367)

Panel attorney: David Annichiarico

Date: June 3, 2010

Gang conditions of probation were modified to avoid constitutional problems with overbreadth and vagueness. (Staff attorney (Vicki Firstman)