

CaseALERT**

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Summary of opinions for August 7, 2009:

- (1) DCA – held that “people of color” is not a cognizable group for a *Wheeler/Batson* motion.
- (2) DCA – held that probation term forbidding possession of “dangerous or deadly weapon” was clear enough to give minor notice of conduct prohibited.

Executable links and (in some cases) additional discussion of opinions:

- (1) [*People v. Neuman*](#) (DCA) held that “people of color” is not a cognizable group for a *Wheeler/Batson* motion. Here, a Caucasian defendant complained on appeal that the trial DDA committed *Wheeler/Batson* error by using peremptory challenges against a Hispanic juror, an African-American juror, a Latino juror, and an Asian juror. The court of appeal held that since people of color are not a cognizable group and the record did not reveal any discriminatory reasons for these jurors being excused, the lower court correctly denied the *Wheeler/Batson* motion.
- (2) [*In re R.P.*](#) (DCA) held probation term forbidding possession of “dangerous or deadly weapon” was clear enough to give minor notice of conduct prohibited. Here, minor was declared a ward of the court after a petition for robbery was sustained (akin to adult conviction). He complained that a probation condition prohibiting him from possessing any “dangerous or deadly weapon” was unconstitutionally vague. The court found that the term “dangerous or deadly weapon” was plain and had a commonsense meaning. *Maybe it was the “commonsense” part of the term that confused the minor.....*

