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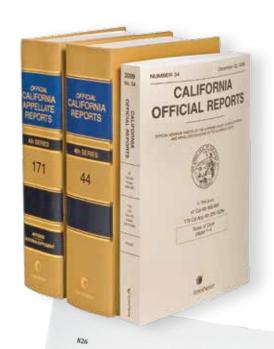
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41 Cal.4th 825; 62 Cal.Rptr.3d 588; 161 P3d 1146 [July 2007] HEADNOTES

- (1) Criminal Law § 529—Punishment—Imprisonment—Greater Potential Sentence—Right to Jury Trial—Proof Beyond Reasonable Doubt.—Under U.S. Const., 6th Amend., any fact that exposes a judge, and established beyond a reasonable doubt, not merely by a preponderance of the evidence.
- (2) Criminal Law § 529—Punishment—Imprisonment—Beyond Statutory Maximum—Right to Jury Trial—Proof Beyond Reasonable Doubt.—Other than the fact of a prior conviction, any fact that increases be submitted to a jury, and proved beyond a reasonable doubt.
- (3) Criminal Law § 529—Punishment—Imprisonment—Statutory
 Maximum.—The statutory maximum for Apprendi purposes is the
 maximum sentence a judge may impose solely on the basis of the facts
 reflected in the jury vertical or admitted by the defendant.
- (4) Criminal Law § 529—Punishment—Imprisonment—Beyond Statutory Maximum—Right to Jury Trial—Exceptions.—The United
 States System of the State State System of the State State Sixth Amendment right to a jury trial on an aggravating fact that renders
 act admitted ble for a sentence above the statutory maximum. First, a
 sentence beyond the maximum authorized by the increase his or her
 doubt do not apply to the aggravating fact of proof beyond a reasonable

 and the requirement of proof beyond a reasonable

 to the state of the state of
- (5) Criminal Law § 529—Punlshment—Imprisonment—Upper Term
 Sentence—Aggravating Circumstances—Right to Jury Trial.—In a
 case in which a Jury convicted defendant of two counts of voluntary
 manslaughter and one count of attempted voluntary manslaughter,
 trial court's imposition of an upper term sentence for one of the
 stances cited by the frail court were based upon the facts underlying the
 crime, and none were admitted by defendant or established by the jury's

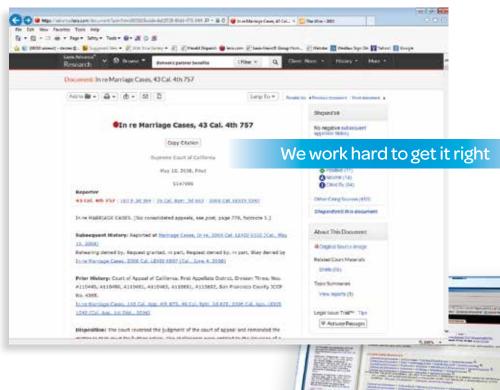
[5 Witkin & Epstein, Cal. Criminal Law (3d ed. 2000) Criminal Trial, §§ 438, 438A; 3 Witkin & Epstein, Cal. Criminal Law (3d ed. 2000) Plinishment, §§ 254, 284.]

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