

TOPICAL INDEX

Table of Authorities iii

Introduction..... 1

Statement of the Case.....4

Evidence at the Prima Facie and Transfer Hearings.....5

Argument11

 I. Petitioner Has Forfeited the Right to Challenge the Court’s
 Use of a “Totality of the Circumstances” Analysis for the
 Five Transfer Criteria.....11

 II. Proposition 57 Eliminated the Statutory Language that the Court
 Must Find the Young Person Fit on Each of the Five Transfer Criteria
 to Remain in Juvenile Court12

 A. Prior to the Enactment of Proposition 57, the Court Was
 Required to Make Findings of Fitness on Each of the Five
 Transfer Criteria13

 B. Proposition 57 Repealed the Language Relied Upon by
 Petitioner and Added a New Standard for Transfer13

 C. The Plain Language of Proposition 57 Eliminates the
 Requirement of Findings on Each Criterion, and
 Directs the Juvenile Court to Make Its Decision Based
 on All of the Transfer Criteria14

 D. Even If There Were Ambiguity in the Voter’s Intentions,
 the Rules of Statutory Construction do not Support
 Petitioner’s Position16

 1. Petitioner Fails to Acknowledge the Extensive
 Guidance Provided by the New Section 707
 Language18

 2. Petitioner Relies Upon Obsolete Authority Which
 has Been Superseded by Statute18

 3. The Legislative Intent to Reduce Transfer Negates
 Petitioner’s Position.....19

III.	The Amended California Rules of Court Pertaining to Transfer Hearings Call for Bench Officers to Employ a Totality Standard When Evaluating the Five Criteria	22
IV.	The Court Did Not Abuse its Discretion in Applying a Totality of the Circumstances Standard or in Determining that A.B. Should Be Retained in Juvenile Court	24
	A. The Court Did Not Abuse Its Discretion in Applying a Totality of Circumstances Standard.....	25
	B. The Court Did Not Abuse Its Discretion in Applying the Statutory Standard to A.B.'s Case	26
	1. The Court Was Justified in Finding That A.B. Lacked Criminal Sophistication and Acted Spontaneously	27
	2. The Court Reasonably Found That A.B. Could Be Rehabilitated Within the Juvenile Court's Jurisdictional Time Period	30
	3. The Court Properly Recognized that A.B. Had No Prior Delinquent History	32
	4. The Court Properly Recognized That There Were No Previous Attempts by the Juvenile Court to Rehabilitate A.B.	32
	5. The Court Properly Weighed the Gravity and Circumstances of the Offense in Reaching its Transfer Decision.....	33
	6. The Court's Reasoning Did Not Constitute an Abuse of Discretion	35
	Conclusion	36
	Certificate of Word Count	37