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NEWS RELEASE

Release Number: **S.C. 28/10**

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Summary of Cases Accepted During the Week of July 12, 2010

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#10-82 *In re K.C.*, S183320. (F058395; 184 Cal.App.4th 120; Kings County Superior Court; 08JD0075.) Petition for review after the Court of Appeal affirmed an order terminating parental rights. This case presents the following issue: What injury must a parent show in order to have standing to contest the denial of a petition for modification seeking placement of a child with a relative when the petition is brought after termination of reunification services but before the selection and implementation hearing?

#10-83 *People v. Milward*, S182263. (C058326; 182 Cal.App.4th 1477; Sacramento County Superior Court; 02F05876.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Is assault with a deadly weapon (Pen. Code § 245, subd. (a)(1)) a necessarily included offense of assault by a life prisoner with a deadly weapon (Pen. Code § 4500)? (2) Was *People v. Noah* (1971) 5 Cal.3d 469 binding on the Court of Appeal unless and until overruled by this court?

#10-84 *People v. Turnage*, S182598. (C059887; 183 Cal.App.4th 458; Yolo County Superior Court; 065019, 041665.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Does Penal Code, section 148.1, subdivision (d), violate equal protection principles because a violation is punishable as an

alternative felony-misdemeanor without a finding that a person was placed in sustained fear? (See Pen. Code, § 11418.1.) (2) If so, what is the proper remedy?

#10-85 *Porter v. Wyner*, S182788. (B211398; 183 Cal.App.4th 949, mod. 184 Cal.App.4th 395b; Los Angeles County Superior Court; BC347671.) Petition for review after the Court of Appeal reversed an order granting a new trial in civil action. The court ordered briefing deferred pending decision in *Cassell v. Superior Court*, S178914 (#10-10), which presents the following issues: (1) Are the private conversations of an attorney and client for the purpose of mediation entitled to confidentiality under Evidence Code sections 1115 through 1128? (2) Is an attorney a “participant” in a mediation such that communications between the attorney and his or her client for purposes of mediation must remain confidential under Evidence Code section 1119, subdivision (c) and 1122, subdivision (a)(2)?

#10-86 *Wilson v. Superior Court*, S182340. (B216212; 182 Cal.App.4th 1457; Los Angeles County Superior Court; ZM003215.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Moore v. Superior Court*, S174633 (#09-59), which presents the following issue: Can the trial in a commitment proceeding under the Sexually Violent Predator Act be held while the defendant is incompetent?

DISPOSITIONS

The following case was transferred for reconsideration in light of *People v. Sutton* (2010) 48 Cal.4th 533:

#09-87 *Smith v. Superior Court*, S177406.

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