



JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS
Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

NEWS RELEASE

Release Number: **S.C. 29/06**

Release Date: **July 21, 2006**

Summary of Cases Accepted During the Week of July 17, 2006

[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.]

#06-76 *Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection*, S143689. (F042896; 139 Cal.App.4th 165; Tuolumne County Superior Court; CV48910.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issue: Did the Department of Forestry and Fire Protection properly interpret and apply the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Resources Code, § 4511 et seq.) and the Forest Practice Rules (Cal. Code Regs., tit. 14, § 895 et seq.) in reviewing three timber harvesting plans in Tuolumne County?

#06-77 *Guardianship of Ann S.*, S143723. (C049915; 138 Cal.App.4th 644; Yolo County Superior Court; PG01254.) Petition for review after the Court of Appeal affirmed an order terminating parental rights. This case presents the following issue: Is Probate Code section 1516.5 constitutional if it permits the termination of parental rights without a present finding of parental unfitness? A similar issue is before the court in *In re Charlotte D.*, S142028 (#06-59).

#06-78 *People v. Lopez*, S143615. (B182877; 138 Cal.App.4th 674; Los Angeles County Superior Court; BA271983.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did the prosecutor commit misconduct during closing argument?

(over)

#06-79 *Ramirez v. Nelson*, S143819. (B179275; 138 Cal.App.4th 890; Ventura County Superior Court; CIV217462.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: For purposes of liability under Penal Code section 385, which makes it a misdemeanor for anyone “either personally or through an employee or agent,” to move a tool or equipment within six feet of a high voltage overhead line, was an unlicensed tree trimmer hired by homeowners to trim trees, including a tree with branches within six feet of a high voltage line, considered to be an employee of the homeowners? (See Lab. Code, §§ 2750.5, 6303, subd. (b).)

#06-80 *People v. Castro*, S143426. (F046915; 138 Cal.App.4th 486; Kern County Superior Court; BF107186A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in *People v. Dolly*, S134505 (#05-180), which presents the following issue: Can an anonymous tip to police that a specific suspect possesses a gun provide reasonable suspicion for a felony stop, where the police corroborate the innocent details of the tip, but do not corroborate the assertion of illegality?

#