



NEWS RELEASE

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Summary of Cases Accepted During the Week of December 20, 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.]

#10-142 *In re Ethan C., S187587.* (B219894; 188 Cal.App.4th 992; Los Angeles County Superior Court; CK78508.) Petition for review after the Court of Appeal affirmed and reversed orders in a dependency proceeding. This case presents the following issues: (1) Is criminal negligence required to support dependency jurisdiction under Welfare and Institutions Code section 300, subdivision (f), on the ground a parent “caused the death of another child through abuse or neglect?” (2) What is the definition of the word “caused” in the context of dependency jurisdiction under the statute? Specifically, does it mean the sole cause or a contributing cause, and should the existence of an intervening, superseding cause be considered? (3) Does the statute require proof of a current or future risk of harm?

#10-143 *Los Angeles County Metropolitan Transit Authority v. Alameda Produce Market, S188128.* (B212643; nonpublished opinion; Los Angeles County Superior Court; BC313010.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does a lender’s withdrawal of a portion of the deposit of probable compensation in an eminent domain proceeding effect a waiver under Code of Civil Procedure section 1255.260 of the property owner’s right to challenge the taking?

#10-144 *People v. Davis, S187515.* (A120428; nonpublished opinion; San Francisco County Superior Court; 190226.) Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in

People v. Dungo, S176886 (#09-77), *People v. Gutierrez*, S176620 (#09-78), *People v. Lopez*, S177046 (#09-79), and *People v. Rutterschmidt*, S176213 (#09-80), which present issues concerning the right of confrontation under the Sixth Amendment when the results of forensic tests performed by a criminalist who does not testify at trial are admitted into evidence and how the decision of the United States Supreme Court in *Melendez-Diaz v. Massachusetts* (2009) 557 U.S. ___, 129 S.Ct. 2527, 174 L.Ed.2d 314, affects this court's decision in *People v. Geier* (2007) 41 Cal.4th 555.

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