



NEWS RELEASE

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Summary of Cases Accepted During the Week of January 9, 2011

[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.]

#12-01 *People v. Davis, S198434.* (B229615; 200 Cal.App.4th 205; Los Angeles County Superior Court; BA367204.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did substantial evidence support defendant's convictions for possession and sale of a controlled substance even though MDMA/Ecstasy is not expressly listed as a controlled substance subject to Health and Safety Code sections 11377 and 11379, and the prosecution did not present expert testimony that MDMA/Ecstasy contains a controlled substance or is an analog of a controlled substance?

#12-02 *People v. Davis, S198061.* (C061536; 199 Cal.App.4th 1254; Sacramento County Superior Court; 08F06253.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. 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 decisions of the United States Supreme Court in *Melendez-Diaz v. Massachusetts* (2009) 557 U.S. ___, 129 S.Ct. 2527, 174 L.Ed.2d 314, and *Bullcoming v. New Mexico* (June 23, 2011, No. 09-10876) 564 U.S. ___, 2011 WL 2472799, affect this court's decision in *People v. Geier* (2007) 41 Cal.4th 555.

STATUS

#09-55 *Sonic-Calabasas A, Inc. v. Moreno*, S174475. On remand from the United States Supreme Court, the court directed the parties to brief the significance of *AT&T Mobility LLC. v. Concepcion* (2011) 563 U.S. ___, 131 S.Ct. 1740, 179 L.Ed.2d 742, to the issues in this case.

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