



NEWS RELEASE

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Summary of Cases Accepted During the Week of February 21, 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.]

#11-17 C.A. v. William S. Hart Union High School Dist., S188982.

(B217982; 189 Cal.App.4th 1166; Los Angeles County Superior Court; PC044428.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: May a school district be held liable for the negligent hiring, retention or supervision of a school guidance counselor who molests a student, when district employees who hired the counselor knew that the counselor had a history of child molestation?

#11-18 In re Richards, S189275. (E049135; nonpublished opinion; San Bernardino County Superior Court; SWHSS700444.) Petition for review after the Court of Appeal reversed the grant of relief on a petition for writ of habeas corpus. This case presents the following issues: (1) When a petitioner seeks relief on habeas corpus because an expert witness who testified at trial later fundamentally alters the opinion he or she rendered, should this be viewed as a claim that false evidence substantially material or probative on the issue of guilt was presented at trial or as a claim that newly discovered evidence casts “fundamental doubt on the accuracy and reliability of the proceedings” and “undermine[s] the entire prosecution case and point[s] unerringly to innocence or reduced culpability”? (*In re Hardy* (2007) 41 Cal.4th 977, 1016.) (2) Is petitioner entitled to relief on either ground in this case? (3) Is petitioner entitled to habeas corpus relief based on newly discovered DNA evidence?

#11-19 People v. Duarte, S189174. (G041195; 190 Cal.App.4th 82; Orange County Superior Court; 07WF0962.) 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. Mesa*, S185688 (#10-125), which presents the following issue: Does Penal Code section 654 bar the imposition of separate sentences for the offense of active participation in a criminal street gang in violation of Penal Code section 186.22, subdivision (a), and for the crimes used to prove one element of that offense — that the defendant have promoted, furthered, and assisted felonious criminal conduct by members of the gang?

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