



NEWS RELEASE

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Summary of Cases Accepted During the Week of April 9, 2012

[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.]

#12-37 *People v. Clancey, S200158.* (H036501; 202 Cal.App.4th 790; Santa Clara County Superior Court; C1072166, C1073855.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did the trial court's actions in this matter constitute an unlawful judicial plea bargain rather than a lawful indicated sentence?

#12-38 *People v. Alger, S200663.* (A126581; nonpublished opinion; Contra Costa County Superior Court; 050714543.) Petition for review after the Court of Appeal reversed 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.

#12-39 *Muldrow v. Surrex Solutions Corp., S200557.* (D057955; 202 Cal.App.4th 1232; San Diego County Superior Court; 37-2008-00050872-CU-OE-NC.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing

deferred pending decision in *Brinker Restaurant Corp. v. Superior Court*, S166350 (#08-157), which presents issues concerning the proper interpretation of California's statutes and regulations governing an employer's duty to provide meal and rest breaks to hourly workers.

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