



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
www.courts.ca.gov/supremecourt

NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@courts.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

November 1, 2013

Summary of Cases Accepted and Related Actions During Week of October 28, 2013

[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.]

#13-95 Coffey v. Shimoto, S213545. (G047562; 218 Cal.App.4th 1288; Orange County Superior Court; 30-2012-00549559.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issues: (1) Can circumstantial evidence other than the results of chemical tests be used to prove that a driver's blood-alcohol content at the time of driving was the same as, or greater than, the results of a blood-alcohol test taken approximately an hour after driving? (2) Is the decision of the Court of Appeal consistent with the requirements of Evidence Code section 604 for proof of an initially presumed fact after the presumption has been rebutted?

#13-96 Orange Citizens for Parks & Recreation v. Superior Court, S212800. (G047013, G047219; 217 Cal.App.4th 1005; Orange County Superior Court; 30-2011-00494437.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action for writ of administrative mandate. This case presents the following issue: Is the proposed development project of low density housing at issue in this case consistent with the city's general plan?

DISPOSITION

The following case was transferred for reconsideration in light of *People v. Beltran* (2013) 56 Cal.4th 935, *People v. Verdugo* (2010) 50 Cal.4th 263, 294, and *People v. Butler* (2009) 46 Cal.4th 847, 868-869:

#12-08 In re Gonzalez, S197838.

#

The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.