



# NEWS

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(415) 865-7740

Lynn Holton, Public Information Officer

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## **SUMMARY OF CASES ACCEPTED DURING WEEK OF JULY 26, 2004**

[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 description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-82 *Bennigson v. Alsdorf*, S124828. (B168200; unpublished opinion; Los Angeles County Superior Court; BC287294.) Petition for review after the Court of Appeal affirmed an order quashing service in a civil action. This case includes the following issue: In an action to recover a painting allegedly stolen by Nazis during World War II, does California have personal jurisdiction over an Illinois resident who is the current owner of the painting when the painting was in an art gallery in Los Angeles for eight months before being abruptly shipped back to Chicago immediately after the action was filed?

#04-83 *People v. Black*, S126182. (F042592; unpublished opinion; Tulare County Superior Court; 79557.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) What effect does *Blakely v. Washington* (2004) \_\_ U.S. \_\_, 124 S.Ct. 2531 have on the validity of defendant's upper term sentence? (2) What effect does *Blakely* have on the trial court's imposition of consecutive sentences? Related issues are before the court in *People v. Towne*, S125677 (#04-75).

(over)

#04-84 *In re Freeman*, S122590. Original proceeding. In this case, which is related to the automatic appeal in *People v. Freeman* (1994) 8 Cal.4th 450, the court issued an order to show cause limited to the following issues: Is petitioner entitled to

relief on the claims that (1) the trial judge actively colluded with the prosecutor to secure a conviction and death sentence, and (2) the prosecutor improperly exercised peremptory challenges on the basis of religion at the advice of the trial judge?

#04-85 *In re Josiah Z.*, S125822. (F044121; 118 Cal.App.4th 944, mod. 119 Cal.App.4th 281e; Kern County Superior Court; JD097344, JD097345.) Petition for review after the Court of Appeal denied motions on appeal from orders in dependency proceedings. This case includes the following issue: Does appellate counsel for a child in a juvenile dependency proceeding have the authority to seek dismissal of the appeal if counsel believes that dismissal of the appeal would be in the best interests of the child?

## **DISPOSITION**

#02-06 *Farmers Ins. Exchange v. Low*, S103243, was transferred to the Court of Appeal for reconsideration in light of *State Farm Automobile Ins. Co. v. Garamendi* (2004) 32 Cal.4th 1029.

The following cases were dismissed:

#03-94 *In re Jarred H.*, S116644.

#03-111 *In re Rhonda J.*, S117442.

#03-150 *In re David L.*, S119976.