



# NEWS RELEASE

Release Number: **S.C. 33/11**

Release Date: **August 19, 2011**

JUDICIAL COUNCIL OF  
CALIFORNIA  
ADMINISTRATIVE OFFICE  
OF THE COURTS  
Public Information Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
www.courts.ca.gov

415-865-7740

Lynn Holton  
Public Information Officer

## Summary of Cases Accepted During the Week of August 15, 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.]*

**#11-101 *People v. Cottone, S194107.*** (C042923; 195 Cal.App.4th 245; Orange County Superior Court; 06HF1734.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did the Court of Appeal err by holding (a) that a prior sexual offense committed by defendant when he was under the age of 14 could not be admitted as propensity evidence under Evidence Code section 1108 without a finding by the jury that he appreciated the wrongfulness of his actions at the time he committed the prior offense, and (b) that the failure to instruct the jury on this question constituted reversible error?

### STATUS

**#11-94 *California Redevelopment Assn. v. Matosantos, S194861.*** The court directed the parties to address the following additional issues in the return and reply: Assuming solely for the sake of argument that the court's decision upholds both statutes and dissolves the existing stay, what effect would the stay have on the statutory dates for compliance, including those for enactment of an ordinance (Health & Saf. Code, § 34193, subd. (a)) and payment of the remittance amount (*id.*, § 34194, subd. (d))? If it becomes necessary to postpone the statutory compliance dates, what should the new dates be?