

**ARIZONA SUPREME COURT CIVIL MATTERS—Court may review Ariz. Legislative Council analysis of Prop. 300 referendum proposal; analysis substantially complies with A.R.S. §19-124(B). *Ariz. Legis. Cncl v. Howe*, CV-98-0363-SA, 10/22/98...Initiative measure, Prop. 200, lacking a title preceding the measure's text, nevertheless has a title and substantially complies with our constitution. *Meyers v. Bayless*, CV-98-0398-AP, 10/22/98**

**ARIZONA SUPREME COURT CRIMINAL MATTERS—Accusing married victim of a homosexual advance implicated victim's character and his spouse could rebut defendant's claim; bragging, display of victim's driver's license and threatening letter do not show "relishing" to support heinousness; death sentence upheld where pecuniary gain was sole aggravating factor. *State v. Greene*, CR-96-0502-AP, 10/20/98...Defendant charged with sexual abuse of a child may present expert testimony that child's prior abuse by another adult male might cause misperception of defendant's actions. *State v. Lujan*, CR-97-0375-PR, 10/22/98**

**ARIZONA COURT OF APPEALS CIVIL MATTERS—Under A.R.S. §11-254.01(B), county need not award contract to lowest bidder, but has discretion to award contract to bidder most advantageous to the county. *Tire Shredders Inc. v. Pima County*, 2 CA-CV 97-0224, 10/1/98...Municipality must strictly comply with contiguity requirement of A.R.S. § 9-471(C) and length of parcel to be annexed cannot be more than twice its width. *Town of Miami v. City of Globe*, 2 CA-CV 98-0025, 10/1/98...An interest in groundwater is a real property right (royalty) and binds successor owners of the land; trial court need not award full amount of attorney's fees incurred below and in case with cross-appeal, appellate court may deem neither the prevailing party. *Paloma Invest. v. Jenkins*, 1 CA-CV 97-0402/98-0170, 10/13/98...Lessor's failure to account to lessee for use of lessee's assets to continue business operations supported finding that lessor accepted lessee's surrender of premises. *de Szendeffy v. Slate*, 1 CA-CV 97-0548, 10/15/98...Superior court lacks jurisdiction to compel county to grant rezoning request because latter constitutes a legislative function in violation of separation of powers provision of Arizona constitution. *Melhorn v. Pima County*, 2 CA-CV 97-0229, 10/15/98...A party may appeal from a compulsory arbitration award to one of two plaintiffs and need not join the second plaintiff where joinder to two claims was not necessary. *Orlando v. Martin*, 1 CA-SA 98-0074, 98-0093, 10/20/98...Under A.R.S. § 20-259.01(K), insurers need not offer UIM coverage when selling non-primary motor vehicle liability insurance, and employee is not entitled to UIM coverage under her employer's non-primary business auto policy. *Petrusek v. Farmers*, 1 CA-CV 97-0554, 10/22/98...Client's abandonment by local counsel, resulting in dismissal of her complaint, will not justify Rule 60(c) relief because she was also represented by Illinois referring firm. *McKernan v. Dupont*, 1 CA-CV 97-0177, 10/27/98**

**ARIZONA COURT OF APPEALS CRIMINAL MATTERS—Rule 15.1(f) does not require disclosure of potential rebuttal witness' "unwritten" or "unrecorded" statements; defendant need not actually reflect if evidence shows formation of intent to kill preceded killing by sufficient time for premeditation. *State v. Haley*, 2 CA-CR 97-0352, 8/19/98...DNA test using "restricted fragment length polymorphic" or RFLP method with a + or - 2.5% match window satisfies *Frye* requirement of general acceptance in scientific community and is properly admitted in sexual assault case. *State v. Marshall*, 2 CA-CR 97-0010, 9/22/98...The state may aggravate a DUI defendant's charge if his Arizona license has been revoked even if he has a valid license from another state; the state cannot use intoxilyzer results taken more than two hours after driving without expert relation back testimony. *State v. Claybrook*, 1 CA-CR 97-0735, 10/8/98...A.R.S. § 13-3419(A) is the exclusive sentencing provision for multiple drug offenses not committed on the same occasion, but consolidated for trial. *State v. Dominguez*, 1 CA-CR 97-0903, 10/15/98...Defendant need not testify at suppression hearing that he relied upon the promise of police officer that any stationhouse statements would not be used against him if circumstantial evidence shows reliance. *State v. Pettit*, 1 CA-CR 98-0093, 10/20/98...Driving on a DUI-suspended license is a jury-eligible offense; five-day notice requirement for a jury trial in justice and police courts is constitutional. *Benitez v. Dunevant*, 1 CA-SA 98-0126, 10/27/98**

**ARIZONA COURT OF APPEALS JUVENILE MATTERS—Error to summarily deny grandparents attempt to intervene in dependency proceeding; court should deny intervention only if it would not be in the children's best interests. *William Z. v. ADES*, 1 CA-JV 97-0245, 10/6/98...When father and child had lived together for six months, father's 5.5-year prison term will deprive the child of a normal home for a period of years and justifies termination of parental rights. *James S. v. ADES*, 1 CA-JV 98-0001, 10/6/98...In custody dispute, court cannot order paternity testing without an evidentiary hearing on mother's prior affidavit acknowledging father's paternity, but hearing on best interests of child not required before testing can be ordered. *Stephenson v. Thomas*, 1 CA-SA 98-0238, 10/27/98**

**ARIZONA COURT OF APPEALS INDUSTRIAL COMM'N MATTERS—Award denying compensability upheld where store employee was injured during her break in an on-premises McDonald's not under employer's control. *Williams v. Ind'l Comm'n*, 1 CA-IC 97-0141, 10/22/98**