

**SUPREME COURT MINUTES
WEDNESDAY, APRIL 26, 2017
SAN FRANCISCO, CALIFORNIA**

S099274**PEOPLE v. BROOKS
(DONALD LEWIS)**

Supplemental briefing ordered

The Attorney General is requested to file an answer to the rehearing petition filed by defendant in this matter. The answer is to be filed on or before May 4, 2017.

S240118

B267255 Second Appellate District, Div. 8

**PEOPLE v. TUCKER
(PHILLIP)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Valenzuela*, S232900 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240208

A146431 First Appellate District, Div. 5

**PEOPLE v. BASTIDAS
(FRANKLIN)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. DeHoyos*, S228230 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240563

B268860 Second Appellate District, Div. 4

**PEOPLE v. GREENLEE
(CHRISTOPHER ROBERT)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Valenzuela*, S232900 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240754 G051550 Fourth Appellate District, Div. 3 **PEOPLE v. MORENO**
(FRANK AARON)

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Page*, S230793 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240795 B266967 Second Appellate District, Div. 3 **PEOPLE v. WILSON**
(GERALD JAY)

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Chaney*, S223676, and *People v. Valencia*, S223825 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240470 B279348 Second Appellate District, Div. 1 **G. (DENIS) , GUARDIANSHIP**
OF

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division One, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Second District, Division One, with directions to vacate its February 23, 2017, order denying the petition for writ of mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted. The trial court may wish to consider inviting briefing from the Attorney General of the State of California.

In responding to the order to show cause, the superior court should pay special attention to Code of Civil Procedure section 155's requirement that the superior court's role in the special immigrant juvenile process is to make factual findings under subdivision (b) without reference to the "asserted, purported, or perceived motivation of the child seeking classification as a special immigrant juvenile." (Code Civ. Proc., § 155, subd. (b)(2).) The court should also pay special attention to California's statutory definitions of neglect and abandonment. (Fam. Code, §§ 3402, subd. (a), 7822, subd. (a); Welf. & Inst. Code, § 300, subds. (b)(1), (g).)

Kruger, J., was recused and did not participate.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, and Cuéllar, JJ.

S241133 A150854 First Appellate District, Div. 4 **DOW AGROSCIENCES LLC v S.C. (CENTER FOR ENVIRONMENTAL HEALTH)**

Petition for review granted; transferred to Court of Appeal, First Appellate District, Division Four, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, First Appellate District, Division Four, with directions to vacate its order denying mandate and to issue an order to show cause why the relief sought in the petition should not be granted.

Chin, J., was recused and did not participate.

Votes: Cantil-Sakauye, C. J., Werdegar, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S239731 A137765 First Appellate District, Div. 3 **PEOPLE v. FRANCIS, JR., (CARLOS RONTEZ)**

Petition for review denied

S239917 G052324 Fourth Appellate District, Div. 3 **HUDSON (BLAKE A.) v. S.C. (PEOPLE)**

Petition for review denied

S240016 D069592 Fourth Appellate District, Div. 1 **PEOPLE v. ACEDO (DANIEL)**
Petitions for review denied

S240027 C082324 Third Appellate District **PEOPLE v. MELGER (THOMAS JOSEPH)**

Petition for review denied

S240095 B259659 Second Appellate District, Div. 1 **PEOPLE v. WILLIAMS (JARROD)**

Petitions for review denied

S240191 A146422 First Appellate District, Div. 5 **CHRISTENSEN (TERRI) v. CVS PHARMACY, INC.**

Petition for review denied

S240215 F068908 Fifth Appellate District

Petition for review denied

**PEOPLE v. SCARBER
(SPENCER ALEC)**

S240269 B264175 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. YOUNG
(THOMAS COALT)**

S240284 B265764 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. CLAYBORN
(RICHARD DEAN)**

S240313 B266777 Second Appellate District, Div. 7

Petition for review denied

**STAUFF (STEVEN) v.
HARTMAN (PERLA)**

S240315 B261186 Second Appellate District, Div. 1

Petitions for review denied

**PEOPLE v. EUSTAQUIO
(ERIC)**

S240331 H041655 Sixth Appellate District

Petition for review denied

**PEOPLE v. CHACON (JESSE
PAUL)**

S240336 H041553 Sixth Appellate District

Petition for review denied

**PEOPLE v. CORTEZ
(ALBERTO)**

S240342 A139754 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. SURBER
(JACKSON EARL)**

S240359 D068423 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. EMERSON
(GREGORY S.)**

S240386 D069369 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. OWENS
(THERESA LYNN)**

S240389 B279372 Second Appellate District, Div. 8

Petition for review denied

**ANDINO (NORBERTO) ON
H.C.**

S240390 A147671 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BROWN (JOYE
LYNN)**

S240449 F070694 Fifth Appellate District

Petition for review denied

**PEOPLE v. RODRIGUEZ, JR.,
(ANGEL)**

S240472 B266744 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ZUNIGA
(ANDREW)**

S240477 A143841 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. RILEY (JAMES
PATRICK)**

S240495 B265750 Second Appellate District, Div. 5

Petition for review denied

**YOUNESSI (RAMIN R.) v.
MUNOZ (VERONICA)**

S240501 B267523 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. KIM (SCOTT
YOUNG)**

S240507 C072540 Third Appellate District

Petition for review denied

**PEOPLE v. JACKSON
(YONNIE)**

S240512 F069140 Fifth Appellate District

Petition for review denied

PEOPLE v. FRUTOZ (JESSE EUGENE)

S240524 B280609 Second Appellate District, Div. 5

The petition for review is denied. The stay previously issued by this court is dissolved.

SALAZAR (BRYAN) v. S.C. (PEOPLE)

S240533 H043989 Sixth Appellate District

Petition for review denied

LAUE (DALE) v. S.C. (ORTIZ)

S240536 B264333 Second Appellate District, Div. 7

Petition for review denied

PEOPLE v. BURCH (WILLIAM EDWARD)

S240560 G054601 Fourth Appellate District, Div. 3

The Attorney General's request for judicial notice is granted. The petition for review is denied.

KRUSICK (ALBERT J.) ON H.C.

S240565 F071003 Fifth Appellate District

Petition for review denied

PEOPLE v. MERRILL (ALEX)

S240571 D069552 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. HUERTA (DAVID)

S240577 D071730 Fourth Appellate District, Div. 1

Petition for review denied

ANDERSON (MELVIN JAMES) ON H.C.

S240582

Petition for writ of mandate/prohibition denied

DURAN (PAUL EDWARD) v. COURT OF APPEAL, SECOND APPELLATE DISTRICT, DIVISION ONE (DAVEY)

S240606 A149954 First Appellate District, Div. 2

Petition for review denied

**SCHILDERS (ANNEMARIE)
v. S.C. (STUPP)**

S240610 D068768 Fourth Appellate District, Div. 1

Petition for review denied

**HISTORIC BEAUMANOR
APARTMENTS, LLC v.
SPENCER (JOSEPH)**

S240617 A138463 First Appellate District, Div. 4

Petition for review denied
Chin, J., was recused and did not participate.

**RINCON EV REALTY LLC v.
CP III RINCON TOWERS
INC.**

S240618 F070916 Fifth Appellate District

Petition for review denied

**PEOPLE v. BABINSKI
(BRIAN JOSEPH)**

S240620 H042686 Sixth Appellate District

Petition for review denied

**PROFESSIONAL
COLLECTION
CONSULTANTS v. LAURON
(KRYSTAL G.)**

S240621 A145665 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v.
CHAPARRO-ESQUIVEL
(EDUARDO)**

S240632 B276742 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. McCORD
(LEMOND L.)**

S240636 G054572 Fourth Appellate District, Div. 3

Petition for review denied

**LEE (WAYNE) v. S.C
(KAMPCZYK)**

S240637 G053772 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. TINAJERO
(ALFREDO)**

S240654 G052041 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ROSENBLUM
(PHILLIP JON)**

S240655 C081037 Third Appellate District

Petition for review denied

**PEOPLE v. WYMER (JASON
SAMUEL)**

S240663 B267366 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ASUNCION
(BENEDICTO)**

S240664 E065092 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. AMAYA (JOSE
ALFREDO)**

S240669 E065496 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SIMPSON
(JERRY)**

S240680 B263180 Second Appellate District, Div. 4

Petition for review denied

**CHOLLERA (BIJAL) v. RAY
(RAKESH)**

S240685 B269169 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MEYER (MARY
JO)**

S240691 H042649 Sixth Appellate District

Petition for review denied

**PEOPLE v. SPRINGS
(TYROL)**

S240696 C075973 Third Appellate District

Petition for review denied

**PEOPLE v. NEBORAK
(SERGEY ALEKSANDROVI)**

S240703 B271625 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. HERRERA
(ANTHONY ROBERT)**

S240710 C079716 Third Appellate District

Petition for review denied

**PEOPLE v. BAILEY
(KENNETH DESHAWN)**

S240714 B269163 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. HALL
(GWENDOLYN)**

S240715 F071457 Fifth Appellate District

Petition for review denied

**PEOPLE v. DIAZ (VINCENT
ALEXANDER)**

S240716 E067750 Fourth Appellate District, Div. 2

Petition for review denied

**CLARK (RAYMOND) v. S.C.
(PEOPLE)**

S240727 E064237 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CRUZ
(BENJAMIN CORONADO)**

S240732 A150713 First Appellate District, Div. 5

Petition for review & application for stay denied

**HARO (EDDY OLVERA) v.
S.C. (PEOPLE)**

S240734 A144393 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CALKINS
(RICHARD)**

S240739**BROWNLEE (TERRANCE) v.
COURT OF APPEAL, FIFTH
APPELLATE DISTRICT
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S240752 G051725 Fourth Appellate District, Div. 3**PEOPLE v. WYNN
(DOUGLAS RICHARD)**

Petition for review denied

S240758 D068580 Fourth Appellate District, Div. 1**PEOPLE v. STRUNK (GREG
J.)**

Petition for review denied

S240762 E064079 Fourth Appellate District, Div. 2**PEOPLE v. GARCIA (JOSE
DANIEL)**

Petition for review denied

S240767 C079482 Third Appellate District**PEOPLE v. COLLISON
(MICHAEL JAMES)**

Petition for review denied

S240776 B265883 Second Appellate District, Div. 2**PEOPLE v. HALL
(LEONARD)**

Petition for review denied

S240785 B265951 Second Appellate District, Div. 8**PEOPLE v. SANCHEZ
(CARLOS G.)**

Petition for review denied

S240789 A144801 First Appellate District, Div. 5**PEOPLE v. TANUBAGIJO
(REGINALD)**

Petition for review denied

S240792 F075219 Fifth Appellate District**BANKS (LARRY) ON H.C.**

Petition for review denied

S240796 C079596 Third Appellate District

Petition for review denied

**PEOPLE v. FORSYTH (JOHN
LESLIE)**

S240807 B271835 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. CASTELLANOS
(MICHAEL)**

S240828 E064917 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. YEATS
(SHONSAY)**

S240829 G052015 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. JAIMES
(IGNACIO ESTRADA)**

S240840 C071300 Third Appellate District

Petition for review denied

**PEOPLE v. DEANDA
(SANTINO ZECHARIAH)**

S240849 B267259 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. HOWARD
(TERRELL)**

S240856

Petition for writ of mandate/prohibition denied

**NATHAN (ERIC L.) v. COURT
OF APPEAL, SECOND
APPELLATE DISTRICT,
DIVISION FIVE (PEOPLE)**

S241288 B281560 Second Appellate District, Div. 7

Petition for review & application for stay denied

**ENAGIC USA, INC. v. S.C.
(ROLLER)**

S237302**HANSEN (MICHAEL ERIC)
ON H.C.**

Petition for writ of habeas corpus denied

S240012**HARPER (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

S240013**HERNANDEZ (CARLOS) ON
H.C.**

Petition for writ of habeas corpus denied

S240017**ATZET (DAVID) ON H.C.**

Petition for writ of habeas corpus denied

S240120**HARPER (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

S240139**HARPER (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

S240299**TORRES (NELSON) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *Butler on Habeas Corpus*, S237014.

S240349**ASH (KEITH) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *Butler on Habeas Corpus*, S237014.

S240351**ROSS (ALVIN R.) ON H.C.**

Petition for writ of habeas corpus denied

S240352**SIMMONS (MELVIN
JOSEPH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S240355**CHAPMAN, JR., (SCHAPRIA)
ON H.C.**

Petition for writ of habeas corpus denied

S240367**CLINTON (MARKEITH A.)
ON H.C.**

Petition for writ of habeas corpus denied

S240372**KIMBROUGH (COREY
LAMAR) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S240562****REVIERE (RAYMOND
KEITH) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)**S240575****JORDAN (NOLAN) ON H.C.**

Petition for writ of habeas corpus denied

S240578**ELERI (CHARLES) ON H.C.**

Petition for writ of habeas corpus denied

S240580**SOTOMAYOR (ELIANA
VICTORIA) ON H.C.**

Petition for writ of habeas corpus denied

S240599**BURDETTE (RYAN) ON H.C.**

Petition for writ of habeas corpus denied

S240601**RIZER (MICHAEL
CHARLES) ON H.C.**

Petition for writ of habeas corpus denied

S240602**VENTURA (JUAN CESAR
RAMIREZ) ON H.C.**

Petition for writ of habeas corpus denied

S240623**GUEVARA (RICHARD
FIDEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S240648**DAWSON (DONALD E.) ON
H.C.**

Petition for writ of habeas corpus denied

S239371

A148865 First Appellate District, Div. 3

**MISSION BAY ALLIANCE v.
OFFICE OF THE
COMMUNITY INVESTMENT
& INFRASTRUCTURE (GSW
ARENA LLC)**

Depublication request denied (case closed)

S240126

B271024 Second Appellate District, Div. 8

**FRIEDMAN (NATHANIEL J.)
v. NATIONSTAR
MORTGAGE LLC**

Publication request denied (case closed)

S240270

F071226 Fifth Appellate District

**RILEY (DONALD) v. FORD
MOTOR COMPANY**

Publication request denied (case closed)

S240330

B270979 Second Appellate District, Div. 3

IN RE N.D.

Publication request denied (case closed)

S240334

B261027 Second Appellate District, Div. 7

**FRANCIS (CAROL) v. JP
MORGAN CHASE BANK,
N.A.**

Publication request denied (case closed)

S240813 A147491 First Appellate District, Div. 4

Publication request denied (case closed)

**MASHAL (WALEED) v.
COUNTY OF SAN MATEO**

S235903 A142858/A143428 First Appellate District, Div. 1

**UNITED EDUCATORS OF
SAN FRANCISCO AFT/CFT,
AFL-CIO, NEA/CTA v.
CALIFORNIA
UNEMPLOYMENT
INSURANCE APPEALS
BOARD (SAN FRANCISCO
UNIFIED SCHOOL
DISTRICT)**

Application to appear as counsel pro hac vice granted

The application of David J. Strom for admission pro hac vice to appear on behalf of American Federation of Teachers, AFL-CIO is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S235903 A142858/A143428 First Appellate District, Div. 1

**UNITED EDUCATORS OF
SAN FRANCISCO AFT/CFT,
AFL-CIO, NEA/CTA v.
CALIFORNIA
UNEMPLOYMENT
INSURANCE APPEALS
BOARD (SAN FRANCISCO
UNIFIED SCHOOL
DISTRICT)**

Application to appear as counsel pro hac vice granted

The application of Samuel J. Lieberman for admission pro hac vice to appear on behalf of American Federation of Teachers, AFL-CIO is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S229271 C075960/C076314 Third Appellate District

**PEOPLE v. ACCREDITED
SURETY & CASUALTY CO.
INC.**

Order filed

The order filed on March 22, 2017, dismissing and remanding the matter to the Court of Appeal, Third Appellate District, is hereby amended to reflect the above case numbers.

S240697

Petition denied

(accusation)

ACCUSATION OF CIPRES

S240809

Petition denied

(accusation)

ACCUSATION OF LENEUS**S240814**

Petition denied

(accusation)

ACCUSATION OF MOORE**S238970****FAZLI ON DISCIPLINE**

Request for rehearing of State Bar discipline denied – KATAYOUN T. FAZLI

The petition for rehearing, filed April 3, 2017, is denied.