

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 25, 2015
SAN FRANCISCO, CALIFORNIA**

S213571 A135516 First Appellate District, Div. 4 **PEOPLE v. AGUILAR
(OCTAVIO)**

Rehearing denied

S222996 B249253 Second Appellate District, Div. 7 **LAFFITTE (MARK) v.
ROBERT HALF
INTERNATIONAL
INC./(BRENNAN)**

Petition for review granted

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

S222858 F067812 Fifth Appellate District **FIRST CALIFORNIA BANK v.
McDONALD (MARY ALICE)**

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 *Coker v. J.P. Morgan Chase Bank*, S213137 (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.

S223078 C073911/C074477 Third Appellate District **PEOPLE v. TIKHOMIROV
(ALEKSANDR)**

Petition for review granted; transferred to Court of Appeal, Third Appellate District

The petitions for review are granted.

The matter is transferred to the Court of Appeal, Third Appellate District, for reconsideration in light of the enactment of Proposition 47 on November 4, 2014. (*In re Pedro T.* (1994) 8 Cal.4th 1041; *In re Estrada* (1965) 63 Cal.2d 740.)

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

S222980 B249146 Second Appellate District, Div. 6

Petition for review & depublication request(s) denied

**JONES (DANNY) v.
MARTINEZ (ANGEL R.)/
(DECKERS OUTDOOR
CORPORATION)**

S223036 A140054 First Appellate District, Div. 5

Petition for review & depublication request(s) denied

**PEOPLE v. JONES (BOBBY
LYNN)**

S223059 C073357 Third Appellate District

Petition for review denied

**PEOPLE v. HICKS (TYREA
KINTE)**

S223107 H038894 Sixth Appellate District

Petitions for review denied
The request for judicial notice is granted.

**NASRAWI (DENNIS) v. BUCK
CONSULTANTS, LLC**

S223165 A135682 First Appellate District, Div. 1

Petition for review & publication request(s) denied
Chin, J., was recused and did not participate.

**OVERSTOCK.COM, INC. v.
GOLDMAN SACHS &
COMPANY**

S223237 B253712 Second Appellate District, Div. 5

Petition for review denied

**WILLIS (MAUCABRINA) v.
PRIME HEALTHCARE
SERVICES INC.**

S223308 B250219 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. MENDEZ
(RAYMUNDO)**

S223340 A133536 First Appellate District, Div. 1

Petition for review denied

**SKAMANGAS (ALISON) v.
LAI (DONALD)**

S223385 C074677 Third Appellate District

Petition for review denied

**EARL (BARON R.) v. STATE
PERSONNEL BOARD
(DEPARTMENT OF
CORRECTIONS &
REHABILITATION)**

S223510 B246683 Second Appellate District, Div. 8

Petitions for review denied

**PEOPLE v. ROWLAND
(CASEY)**

S223519 B240155 Second Appellate District, Div. 3

Petitions for review denied

**PEOPLE v. GUZMAN
(FERNANDO)**

S223533 H039934 Sixth Appellate District

Petition for review denied

**PEOPLE v. SMITH (JOSEPH
JERMAINE)**

S223547 B255124 Second Appellate District, Div. 2

Petition for review denied

CARRIERE (KEITH) ON H.C.

S223549 F067675 Fifth Appellate District

Petition for review denied

**HETRICK (BENJAMIN) v.
DEUTSCHE BANK
NATIONAL TRUST
COMPANY**

S223559 E060456 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. HARDY (TARIUS)

S223566 H040816 Sixth Appellate District

Petition for review denied

**SWIERSKI (GARY D.) ON
H.C.**

S223567 H038846 Sixth Appellate District

Petition for review denied

**PEOPLE v. SWIERSKI (GARY
D.)**

S223590 G050247 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. FERNANDEZ
(JACOBO ARANDA)**

S223600 B252501 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. DIAKITE
(AMADOU)**

S223625 B238494 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. DEL TORO
(DAVID)**

S223642 F066141 Fifth Appellate District

Petition for review denied

**PEOPLE v. SILVA
(ANTHONY)**

S223647 C075607 Third Appellate District

Petitions for review denied

**PEOPLE v. HILL (KRISTEN
MARIE)**

S223649 G048795 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CAPACETE, JR.,
(JOSE LUIS)**

S223668	B254174 Second Appellate District, Div. 6	TERVALON (KENNETH) v. BANK OF AMERICA
Petition for review denied Chin, J., was recused and did not participate.		
S223692	B251272 Second Appellate District, Div. 6	PEOPLE v. KUNES (STEVEN MARK)
Petition for review denied		
S223694	C072902 Third Appellate District	PEOPLE v. MORENO (JOSE)
Petition for review denied		
S223696	B245483 Second Appellate District, Div. 6	PEOPLE v. AARON (JONATHAN JASON)
Petition for review denied		
S223723	A135429 First Appellate District, Div. 2	PEOPLE v. OLIVER (TREMAINE DAVID)
Petition for review denied		
S223725	F067661 Fifth Appellate District	PEOPLE v. BUENROSTRO- RAMIREZ (RAFAEL)
Petition for review denied		
S223735	E054567/E056091/E058446 Fourth Appellate District, Div. 2	GROSS (TIMOTHY & ELENA), MARRIAGE OF
Petition for review denied		
S223741	F066877 Fifth Appellate District	PEOPLE v. CALDERON (LUIS)
Petition for review denied		

S223760 D064171 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SHERRORS
(RONNIE JERMAINE)**

S223772 H040059 Sixth Appellate District

Petition for review denied

IN RE K.M.

S223782 E057890 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PARKER
(WENONAH KAREN)**

S223794 E056332 Fourth Appellate District, Div. 2

Petition for review denied

**NAKAMURA (ALAN) v.
STATE OF CALIFORNIA**

S223832 D066357 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BELTRAN
(FIDEL)**

S223837 H040414 Sixth Appellate District

Petition for review denied

IN RE A.Z.

S223849 E062567 Fourth Appellate District, Div. 2

Petition for review denied

**ASPINALL (WILLIAM
CASEY) v. S.C. (MURRIETA
VALLEY UNIFIED SCHOOL
DISTRICT)**

S223858 H039227 Sixth Appellate District

Petition for review denied

**PEOPLE v. WARDZALA
(JOHN LAWRENCE)**

S223859 D064649 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. DESBROW
(DANNE JOHN)**

S223860 E057914 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. COOPER
(GEORGE EDWARD)**

S223866 C074696 Third Appellate District

Petition for review denied

**PEOPLE v. WILLIAMS
(DOMONICK ANTIWON)**

S223868 C075826 Third Appellate District

Petition for review denied

**PEOPLE v. CARDENAS
(ANTHONY STEVEN)**

S223871 E062575 Fourth Appellate District, Div. 2

Petition for review denied

**PHILLIPS (BARBARA) ON
H.C.**

S223874 C072576 Third Appellate District

Petition for review denied

**PEOPLE v. ROWE-MANNS
(DAWAN DONTÉ)**

S223883 B243852 Second Appellate District, Div. 3

Petition for review denied

PEOPLE v. RENDON (OMAR)

S223884 B247036 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. DE LOS SANTOS
(STEVEN)**

S223887 F070252 Fifth Appellate District

Petition for review denied

**PEOPLE v. KLEIM (CRAIG
McCUEN)**

S223896 H038104 Sixth Appellate District

Petition for review denied

**PEOPLE v. VALENCIA (JUAN
ANTONIO)**

S223912	D062912 Fourth Appellate District, Div. 1	(P.) J. v. CARLSBAD UNIFIED SCHOOL DISTRICT
Petition for review denied		
S223914	G048597 Fourth Appellate District, Div. 3	PEOPLE v. CALVIN (CALVIN JAMES)
Petition for review denied		
S223918	E059596 Fourth Appellate District, Div. 2	PEOPLE v. MATTHEWS (DWIGHT)
Petition for review denied		
S223919	D066376 Fourth Appellate District, Div. 1	PEOPLE v. PAEZ (MICHAEL ANGEL)
Petition for review denied		
S223927	B250208 Second Appellate District, Div. 8	SHALANT (JOSEPH L.) v. MACKSTON (ROBERT M.)
Petition for review denied		
S223928	B255986 Second Appellate District, Div. 6	STEVENS (LINDA) v. SANTA BARBARA COUNTY SHERIFF'S OFFICE
Petition for review denied		
S223932	B255954 Second Appellate District, Div. 6	STEVENS (RICHARD A.) v. SANTA BARBARA COUNTY SHERIFF'S OFFICE
Petition for review denied		
S223945	E058383 Fourth Appellate District, Div. 2	PEOPLE v. STEVENSON (MARCUS WAYNE)
Petition for review denied		

S223946 C074993 Third Appellate District

Petition for review denied

**PEOPLE v. HAYDEN
(WINZER DEANDRE)**

S223956 B250730 Second Appellate District, Div. 7

Petition for review denied

PEOPLE v. FISHER (DAVID)

S223963 D064688 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WILLIAMS
(JAMES EARL)**

S223967 H039290 Sixth Appellate District

Petition for review denied

**PEOPLE v. QUINTERO
(DAVID STEPHEN)**

S223968 D065081 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MARIN (ROBERT
J.)**

S223969 B248604 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PAMPHILE
(YAHVAH)**

S223988 B261210 Second Appellate District, Div. 7

Petition for review denied

**TALLEY (ALONZO T.) ON
H.C.**

S224022 H040012 Sixth Appellate District

Petition for review denied

**PEOPLE v. CRUZ (JAMES
AUDRIC)**

S224081 C078130 Third Appellate District

Petition for review denied

**BELTON, JR., (VERNON L.)
ON H.C.**

S224174 B260960 Second Appellate District, Div. 8 **UNITED FARMERS AGENTS ASSOCIATION, INC. v. S.C. (FARMERS INSURANCE EXCHANGE)**

Petition for review & application for stay denied

S224389 A143767 First Appellate District, Div. 2 **NOTTEBOHM (ANDREAS) v. S.C. (DEUTSCHE BANK NATIONAL TRUST)**

Petition for review & application for stay denied

S224556 B261403 Second Appellate District, Div. 2 **RACE (SONIA) v. S.C. (LA CANADA ENTERPRISE, LLC)**

Petition for review & application for stay denied

S224582 B261851 Second Appellate District, Div. 6 **OVERMYER (DAVID) ON H.C.**

Petition for review & application for stay denied

S219709 **PERROTTE (JEFFREY P.) ON H.C.**

The Attorney General's Motion to File Exhibits 5-10 under seal is denied as moot. The petition for writ of habeas corpus is denied as moot.

S221690 **BRIGGS (EBONIQUE) 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.)

S221695 **ARNAUD (JOSE FRANCISCO) ON H.C.**

Petition for writ of habeas corpus denied

S221698**STEVENS (DAVID R.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S221702**MORALES (HERBER) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S221703**WEITZ (SAMUEL L.) ON H.C.**

Petition for writ of habeas corpus denied

S221870**GAINES (MARY LEE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S222325**CERVANTES (JAVEN
ANTHONY) 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.)

S222328**MORENO (JOSE) ON H.C.**

Petition for writ of habeas corpus denied

S222772**JUNIEL (RICHARD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S222778**DAVALOS (CRUZ DAVID)
ON H.C.**

Petition for writ of habeas corpus denied

S223097**DASENBROCK (ROBIN S.)
ON H.C.**

Petition for writ of habeas corpus denied

S223103**ESCARCEGA (RODRIGO
RUBEN) ON H.C.**

Petition for writ of habeas corpus denied

S223125**ROBISON (RAYMOND RAY)
ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.)**S223128****WARR (MICQUAWN) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759.)**S223130****ALEXANDER (ALEXIOS) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)**S223136****CHAPARRO (ADRIAN) ON
H.C.**

Petition for writ of habeas corpus denied

S223139**SWENSON (BRUCE A.) ON
H.C.**

Petition for writ of habeas corpus denied

S223142**GLOSTON (WADE ALLEN)
ON H.C.**

Petition for writ of habeas corpus denied

S223216

Petition for writ of habeas corpus denied

**TIGNOR (JAMES W.) ON
H.C.****S223258**

Petition for writ of habeas corpus denied

**FUENTES (ALEJANDRO) ON
H.C.****S223260**

Petition for writ of habeas corpus denied

**WHEELER (CHESTER) ON
H.C.****S223263**

Petition for writ of habeas corpus denied

ANAYA (JOEL) ON H.C.**S223265**

Petition for writ of habeas corpus denied

**WEBSTER (SAMUEL
ALEXANDER) ON H.C.****S222700**

G050070 Fourth Appellate District, Div. 3

**PEOPLE v. AMERICAN
CONTRACTORS
INDEMNITY COMPANY**

Publication requests denied (case closed)

S223420

H039310 Sixth Appellate District

**BUI (VIEN T.) v. NGUYEN
(TRANG KIM)**

Depublication request denied (case closed)

The request for an order directing depublication of the opinion in the above-entitled appeal is denied. The court declines to review this matter on its own motion. The matter is now final.

S223531

G049262 Fourth Appellate District, Div. 3

**VERSAILLES
HOMEOWNERS
ASSOCIATION v. HARASZTI
(TEGZE)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2015.

S223536 A138306 First Appellate District, Div. 2

**MOUNTAIN AIR
ENTERPRISES, LLC v.
SUNDOWNER TOWERS, LLC**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2015.

S223543 E057335 Fourth Appellate District, Div. 2

**LINDSEY (MICHELLE D.) v.
COUNTY OF RIVERSIDE**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2015.

S223544 C071891 Third Appellate District

**ENGINE MANUFACTURERS
ASSOCIATION v.
CALIFORNIA AIR
RESOURCES BOARD**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2015.

S223551 G048510 Fourth Appellate District, Div. 3

**CAVIC (DANNY) v. GLENN
M. GELMAN & ASSOCIATES**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2015.

S087533

**PEOPLE v. POPS (ASWAD) &
WILSON (BYRON)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that appellant Byron Wilson's reply brief is anticipated to be filed by March 30, 2015, counsel's request for an extension of time in which to file that brief is granted to March 30, 2015. After that date, no further extension is contemplated.

S152737

**PEOPLE v. CORDOVA
(JOSEPH SEFERINO)**

Extension of time granted

Good cause appearing, and based upon counsel Glen Niemy's representation that the appellant's reply brief is anticipated to be filed by April 23, 2015, counsel's request for an extension of time in which to file that brief is granted to April 23, 2015. After that date, no further extension is contemplated.

S163643**PEOPLE v. GONZALEZ
(FRANK CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel Glen Niemy's representation that the appellant's reply brief is anticipated to be filed by June 19, 2015, counsel's request for an extension of time in which to file that brief is granted to April 27, 2015. After that date, only one further extension totaling about 50 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S180217**PEOPLE v. HERNANDEZ,
JR., (GEORGE ANTHONY)**

Extension of time granted

The application of appellant for relief from default for the failure to timely file appellant's request for extension of time is granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 10, 2015.

S189373**PEOPLE v. WILSON
(LESTER HARLAND)**

Extension of time granted

Good cause appearing, and based upon counsel Patrick Morgan Ford's representation that the appellant's reply brief is anticipated to be filed by April 19, 2015, counsel's request for an extension of time in which to file that brief is granted to April 20, 2015. After that date, no further extension is contemplated.

S217369**PEOPLES (LOUIS JAMES)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Donna M. Provenzano's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 31, 2015, counsel's request for an extension of time in which to file that document is granted to April 24, 2015. After that date, only one further extension totaling about 40 additional days is contemplated.

S218551**JONES (KIONGOZI) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Viet H. Nguyen's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 11, 2015, counsel's request for an extension of time in which to file that document is granted to April 21, 2015. After that date, only one further extension totaling 19 additional days is contemplated.

S222140**NGUYEN (HOANG TUONG)
ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to April 22, 2015.

S197586**WHEELER (LEROY) ON H.C.**

Record ordered unsealed

Respondent's "Motion to Unseal Records," filed on December 2, 2014, is granted. The Clerk is directed to unseal and make part of the public record the materials filed pursuant to Penal Code section 987.9 pertaining to appellant Leroy Wheeler contained in the record of *People v. Bryant, Smith and Wheeler*, No. S049596. In light of the public filing of these materials, respondent's request for an order allowing their use in any proceedings in federal court is denied as unnecessary.

The Clerk is directed to publicly file respondent's unredacted "Informal Response," received in this court on November 26, 2014.

S197707**LOMAX (DARRELL LEE) ON
H.C.**

Order filed

The order filed in the above matter on February 24, 2015, is amended to read as follows: Good cause appearing, respondent's "Application for Relief From Default to File Informal Response," filed on February 11, 2015, is granted.

S222446**HARRIS (MAURICE
LYDELL) ON H.C.**

Order filed

Petitioner's "Application to File Under Seal Unredacted Petition for Writ of Habeas Corpus and Exhibits in Support of Petition," filed on November 7, 2014, is granted in part, denied in part, and denied in part without prejudice.

The request to file Exhibit 186 under seal is denied. (Cal. Rules of Court, Rule 8.46(d)(6).)

The request to file Exhibit 187 under seal is granted. (Rule 8.47(c)(1); Welf. & Inst. Code, § 827.)

The request to file Exhibit 189 under seal is denied (Rule 8.46(d)(6)), except the request to file pages 5450 to 5456 under seal is granted. (Rule 8.47(c)(1); Pen. Code, § 987.9, subd. (a).)

The request to file Exhibit 191 under seal is denied. (Rule 8.46(d)(6).)

The request to file Exhibit 192 under seal is granted. (Rule 8.46(b)(1).)

The requests to file Exhibit B and the unredacted version of the petition for writ of habeas corpus under seal are denied without prejudice.

The volumes of exhibits and the redacted petition include exhibits and redactions as to which the requests to file the items under seal have been denied. The Clerk is therefore directed to return to petitioner's counsel Volumes C, D and E of the "Exhibits in Support of Petition for Writ of Habeas Corpus," all lodged in this court on November 7, 2014. Within 21 days from the date of this order petitioner must file a renewed application to file exhibits under seal, and submit, consistent with this order, public and non-public volumes of the exhibits, and a new redacted version of the petition for a writ of habeas corpus. In the event that the court grants the renewed motion, the exhibits and new redacted petition will be filed nunc pro tunc to November 7, 2014.

S223461**HENDERSON (PAUL
NATHAN) ON H.C.**

Motion to file document under seal granted

Petitioner's "Application for Leave to File Sealed Exhibits in Support of Petition for Writ of Habeas Corpus," filed on December 29, 2014, is granted. The court makes the findings required by rule 8.46(e)(6) of the California Rules of Court. The Clerk is directed to file under seal exhibits 114 through 123, lodged under seal on December 29, 2014.

Counsel for petitioner is directed to serve a copy of the exhibits on respondent and to file proof of service in this court.

S223162**ROSEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROGER JAY ROSEN, State Bar Number 48573, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ROGER JAY ROSEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S223169**TYE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MATTHEW C. TYE, State Bar Number 232873, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

MATTHEW C. TYE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S223264**MAR ON DISCIPLINE**

Recommended discipline imposed

The court orders that CRAIG HENRY MAR, State Bar Number 176939, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. CRAIG HENRY MAR is suspended from the practice of law for the first 30 days of probation;
2. CRAIG HENRY MAR must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 30, 2014; and
3. At the expiration of the period of probation, if CRAIG HENRY MAR has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

CRAIG HENRY MAR must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If CRAIG HENRY MAR fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S223267**O'CASEY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KEVIN MOORE O'CASEY, State Bar Number 159858, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KEVIN MOORE O'CASEY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S223270**POSNER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MARK ABRAM POSNER, State Bar Number 94714, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MARK ABRAM POSNER must make restitution to Steven and Faith Saunders in the amount of \$5,000 plus 10 percent interest per year from June 1, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

MARK ABRAM POSNER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S223272**POWELL ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAMES MICHAEL POWELL, State Bar Number 165639, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JAMES MICHAEL POWELL must make restitution to the following payees:

- (1) Manuel Jimenez in the amount of \$3,500 plus 10 percent interest per year from April 5, 2013;
- (2) Ascension Galvan in the amount of \$1,525 plus 10 percent interest per year from April 17, 2013;
- (3) Esperanza Leon in the amount of \$825 plus 10 percent interest per year from May 3, 2012;
- (4) Alberto Moran and Norma Ascensio in the amount of \$2,700 plus 10 percent interest per year from May 30, 2013;
- (5) Hilario Gonzalez in the amount of \$4,000 plus 10 percent interest per year from April 1, 2013;

- (6) Maria Ortega in the amount of \$7,830 plus 10 percent interest per year from May 1, 2013;
 - (7) Lorena and Ernesto Balmares in the amount of \$1,840 plus 10 percent interest per year from May 1, 2013; and
 - (8) Tyrone Sanchez in the amount of \$6,100 plus 10 percent interest per year from May 1, 2013.
- Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

JAMES MICHAEL POWELL must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S223276**SOUKUP ON DISCIPLINE**

Recommended discipline imposed

The court orders that BARBARA SEHNAL SOUKUP, State Bar Number 240341, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and she is placed on probation for five years subject to the following conditions:

1. BARBARA SEHNAL SOUKUP is suspended from the practice of law for a minimum of two years of probation (with credit given for the period of interim suspension that commenced on October 18, 2013), and she will remain suspended until the following condition is satisfied:
 - i. BARBARA SEHNAL SOUKUP provides proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. BARBARA SEHNAL SOUKUP must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its filed on November 13, 2014.
3. At the expiration of the period of probation, if has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

BARBARA SEHNAL SOUKUP must also take and pass the Multistate Professional Responsibility Examination during the period of her suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2016 and 2017. If BARBARA SEHNAL SOUKUP fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S223278**STEEVER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that SCOTT LOREN STEEVER, State Bar Number 180189, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

SCOTT LOREN STEEVER must make restitution to the following payees:

- (1) Joanna Ramirez in the amount of \$54,947 plus 10 percent interest per year from October 28, 2011;
- (2) Bonnie Margolin in the amount of \$209,000 plus 10 percent interest per year from November 13, 2009;

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

SCOTT LOREN STEEVER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S224638**BALTES ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES E. BALTES, State Bar Number 55434, as a member of the State Bar of California is accepted.

JAMES E. BALTES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224639**DuBOIS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of HAROLD BRADY DuBOIS, State Bar Number 140266, as a member of the State Bar of California is accepted.

HAROLD BRADY DuBOIS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224640**HAMILTON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KATHERINE JEAN HAMILTON, State Bar Number 76668, as a member of the State Bar of California is accepted.

KATHERINE JEAN HAMILTON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224642**JOHNSON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WALTER THOMAS JOHNSON, State Bar Number 111094, as a member of the State Bar of California is accepted.

WALTER THOMAS JOHNSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224644**KERNS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PATRICIA ANNE KERNS, State Bar Number 138657, as a member of the State Bar of California is accepted.

PATRICIA ANNE KERNS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224646**LIPPES ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID SCOTT LIPPES, State Bar Number 177847, as a member of the State Bar of California is accepted.

DAVID SCOTT LIPPES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224649**MITCHELL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM DAVID MITCHELL, State Bar Number 73643, as a member of the State Bar of California is accepted.

WILLIAM DAVID MITCHELL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224650**REID II ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of HARLAND HAROLD REID II, State Bar Number 128958, as a member of the State Bar of California is accepted.

HARLAND HAROLD REID II must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224653**SPITLER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RUSSELL ELLERY SPITLER, State Bar Number 78283, as a member of the State Bar of California is accepted.

RUSSELL ELLERY SPITLER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224654**TAGGART ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DOUGLAS ANDREW TAGGART, State Bar Number 83049, as a member of the State Bar of California is accepted.

DOUGLAS ANDREW TAGGART must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.