

**SUPREME COURT MINUTES
MONDAY, FEBRUARY 26, 2018
SAN FRANCISCO, CALIFORNIA
AMENDED***

S224564 D063428 Fourth Appellate District, Div. 1 **PEOPLE v. CONTRERAS
(LEONEL) & RODRIGUEZ
(WILLIAM STEVEN)**

Opinion filed: Affirmed in full with directions

We affirm the judgment of the Court of Appeal and remand these matters for resentencing. The sentencing court is directed to consider, in light of this opinion, any mitigating circumstances of defendants' crimes and lives, and the impact of any new legislation and regulations on appropriate sentencing. The sentencing court is further directed to impose a time by which defendants may seek parole, consistent with this opinion.

Majority Opinion by Liu, J.

-- joined by Chin, Cuéllar, and Kruger, JJ.

Dissenting Opinion by Cantil-Sakauye, C. J.

-- joined by Corrigan and Kriegler*, JJ.

Dissenting Opinion by Kriegler, J.

-- joined by Cantil-Sakauye, C. J., and Corrigan, J.

* Associate Justice of the Court of Appeal, Second Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution.

S242153 B277076 Second Appellate District, Div. 6 **IN RE B.M.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to March 8, 2018. No further extensions will be granted.

S244630 A147564 First Appellate District, Div. 1 **OTO, L.L.C. v. KHO (KEN);
SU (JULIE A.)**

Extension of time granted

On application of intervenor and appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 20, 2018.

S244630 A147564 First Appellate District, Div. 1

**OTO, L.L.C. v. KHO (KEN);
SU (JULIE A.)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 13, 2018.

S246719 B268604 Second Appellate District, Div. 7

**FIRST CITY PACIFIC, INC. v.
HOME DEPOT U.S.A., INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to March 8, 2018.

A151819 First Appellate District, Div. 4

**MARDEUSZ (FRANK) v.
LACE (MARY)**

The above-entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred from Division Four to Division Five.

***1055166-18** THE HONORABLE TRICIA ANN BIGELOW, Presiding Justice of the Court of Appeal, Second Appellate District, Division Eight, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *Liberty Surplus Insurance Corp. v. Ledesma and Meyer Construction Co., Inc.*, S236765.

***1055169-18** THE HONORABLE KENNETH R. YEGAN, Associate Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *Facebook v. Superior Court*, S230051.

***1055171-18** THE HONORABLE PATRICIA BAMATTRE-MANOUKIAN, Associate Justice of the Court of Appeal, Sixth Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *United Riggers & Erectors v. Coast Iron & Steel Co.*, S231549.

***1055173-18** THE HONORABLE JUDITH ASHMANN-GERST, Associate Justice of the Court of Appeal, Second Appellate District, Division Two, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v. Ruiz II*, S235556.

***1055175-18** THE HONORABLE TERENCE L. BRUINIERS, Associate Justice of the Court of Appeal, First Appellate District, Division Five, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v. Buycks*, S231765/*People v. Valenzuela*, S232900/*In re Guiomar on Habeas Corpus*, S238888 (consolidated cases).

***1055176-18** THE HONORABLE THOMAS LYLE WILLHITE, JR., Associate Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v. Penunuri*, S095076.

***1055178-18** THE HONORABLE CYNTHIA G. AARON, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *Delano Farms Co. v. Calif. Table Grape Comm.*, S226538.

***1055180-18** THE HONORABLE VICTORIA M. CHAVEZ, Associate Justice of the Court of Appeal, Second Appellate District, Division Two, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *In re Robert Lewis, Jr., on Habeas Corpus*, S117235.

***1055182-18** THE HONORABLE LAURIE D. ZELON, Associate Justice of the Court of Appeal, Second Appellate District, Division Seven, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v. Gonzalez*, S234377.

***1055184-18** THE HONORABLE VICTORIA GERRARD CHANEY, Associate Justice of the Court of Appeal, Second Appellate District, Division One, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v. Case*, S057156.

***1055186-18** THE HONORABLE PATRICIA D. BENKE, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v. Smith*, S065233.

***1055187-18** THE HONORABLE COLEMAN A. BLEASE, Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v. Rodriguez (Jesus) et al.*, S239713.

***1055188-18** THE HONORABLE LAMAR W. BAKER, Associate Justice of the Court of Appeal, Second Appellate District, Division Five, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *February 16, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: February 26, 2018

*This order is made pursuant to the request for assignment until completion in the matter of *People v Hardy (Warren)*, S113421.