

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 7, 2015
SAN FRANCISCO, CALIFORNIA**

S222821 A143524 First Appellate District, Div. 3 **SMITH (HENRY ALBERT) v.
S.C. (PEOPLE)**

Petition ordered withdrawn

Pursuant to written request of petitioner to this court, the above-entitled petition for review, filed on December 1, 2014, is ordered withdrawn.

S105403 **PEOPLE v. CHHOUN (RUN
PETER) & PAN (SAMRETH
SAM)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Louis W. Karlin's representation that the respondent's brief is anticipated to be filed by March 6, 2015, counsel's request for an extension of time in which to file that brief is granted to March 6, 2015. After that date, no further extension is contemplated.

S118384 **PEOPLE v. MELENDEZ
(ANGELO MICHAEL)**

Extension of time granted

Good cause appearing, and based upon counsel Saor E. Stetler's representation that the appellant's reply brief is anticipated to be filed by September 15, 2015, counsel's request for an extension of time in which to file that brief is granted to March 3, 2015. After that date, only four further extensions totaling about 195 additional days will be granted.

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).)

S127119 **PEOPLE v. GIVENS (TODD)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald Turner's representation that the appellant's opening brief is anticipated to be filed by February 18, 2015, counsel's request for an extension of time in which to file that brief is granted to February 18, 2015. After that date, no further extension will be granted.

S134792**PEOPLE v. HUGHES
(MERVIN RAY)**

Extension of time 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 March 2, 2015.

S146528**PEOPLE v. SNYDER
(JANEEN MARIE) &
THORNTON (MICHAEL
FORREST)**

Extension of time granted

On application of appellant Janeen Marie Snyder and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 27, 2015.

S148462**PEOPLE v. YOUNG
(JEFFREY SCOTT)**

Extension of time granted

Good cause appearing, and based upon counsel Deputy Attorney General Stacy Tyler's representation that the response to appellant's "Request to Strike Assertion in Respondent's Brief Unless Respondent Can Provide Support for the Assertion in the Record" is anticipated to be filed by January 29, 2015, counsel's request for an extension of time in which to file that document is granted to January 29, 2015. After that date, no further extension is contemplated.

S150509**PEOPLE v. PINEDA
(SANTIAGO)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Scott A. Taryle's representation that the respondent's brief is anticipated to be filed by March 6, 2015, counsel's request for an extension of time in which to file that brief is granted to March 6, 2015. After that date, no further extension is contemplated.

S151172**PEOPLE v. FORD (WAYNE
ADAM)**

Extension of time granted

Good cause appearing, and based upon counsel Mark E. Cutler's representation that the appellant's opening brief is anticipated to be filed by June 30, 2015, counsel's request for an extension of time in which to file that brief is granted to March 4, 2015. After that date, only two further extensions totaling about 120 additional days are 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).)

S161781**PEOPLE v. THOMAS (JUSTIN
HEATH)**

Extension of time granted

Good cause appearing, and based upon counsel John L. Staley's representation that the appellant's opening brief is anticipated to be filed by January 28, 2015, counsel's request for an extension of time in which to file that brief is granted to January 28, 2015. After that date, no further extension is contemplated.

S168204**PEOPLE v. MOSLEY (BARRY
WENDELL)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald F. Turner's representation that the appellant's opening brief is anticipated to be filed by April 15, 2015, counsel's request for an extension of time in which to file that brief is granted to March 3, 2015. After that date, only one further extension totaling about 42 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).)

S169750**PEOPLE v. MCGHEE
(TIMOTHY J.)**

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.

Good cause appearing, and based upon counsel Patrick Morgan Ford's representation that the appellant's opening brief is anticipated to be filed by March 1, 2015, counsel's request for an extension of time in which to file that brief is granted to March 2, 2015. After that date, no further extension 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).)

S170001**PEOPLE v. WATTA
(BENJAMIN WAYNE)**

Extension of time granted

Good cause appearing, and based upon counsel Jonathan P. Milberg's representation that the appellant's opening brief is anticipated to be filed by April 9, 2015, counsel's request for an extension of time in which to file that brief is granted to March 9, 2015. After that date, only one further extension totaling about 30 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).)

S172750**PEOPLE v. KENNEDY (JOHN
FITZGERALD)**

Extension of time granted

Good cause appearing, and based upon counsel Christian C. Buckley's representation that the appellant's opening brief is anticipated to be filed by April 30, 2015, counsel's request for an extension of time in which to file that brief is granted to February 24, 2015. After that date, only one further extension totaling about 64 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).)

S174232**PEOPLE v. KEMP (DARRYL
THOMAS)**

Extension of time 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 March 9, 2015.

S175663**PEOPLE v. JONES (STEVEN
ANTHONY)**

Extension of time granted

Good cause appearing, and based upon counsel David P. Lampkin's representation that the appellant's opening brief is anticipated to be filed by January 29, 2016, counsel's request for an extension of time in which to file that brief is granted to March 6, 2015. After that date, only six further extensions totaling about 330 additional days are 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).)

S176812**PEOPLE v. YONKO (TONY
RICKY)**

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 February 23, 2015.

S180174**PEOPLE v. ALVAREZ
(ALBERTO)**

Extension of time 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 February 23, 2015.

S188459**MILLS (JEFFERY JON) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Katherine Hart's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 30, 2015, counsel's request for an extension of time in which to file that document is granted to March 6, 2015. After that date, only one further extension totaling 23 additional days will be granted.

S196555**THOMAS (ALEX DALE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Sharon E. Loughner's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by July 31, 2015, counsel's request for an extension of time in which to file that document is granted to March 9, 2015. After that date, only three further extensions totaling about 145 additional days are contemplated.

S198132**PEOPLE v. FAYED (JAMES
MICHAEL)**

Extension of time granted

Good cause appearing, and based upon counsel Kelly C. Quinn's representation that the appellant's reply brief is anticipated to be filed by November 2, 2015, counsel's request for an extension of time in which to file that brief is granted to March 6, 2015. After that date, only four further extensions totaling about 244 additional days will be granted.

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).)

S215727

D059007 Fourth Appellate District, Div. 1

**PEOPLE v. LOWE (JUSTIN
SAMUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to January 30, 2015.

S217763

B245131 Second Appellate District, Div. 5

**CENTER FOR BIOLOGICAL
DIVERSITY v.
DEPARTMENT OF FISH &
WILDLIFE (NEWHALL
LAND & FARMING
COMPANY)**

Extension of time granted

On application of Santa Clarita Valley Economic Development Corporation and good cause appearing, it is ordered that the time to serve and file the application to file an amicus curiae brief in support of appellant is extended to January 9, 2015.

S217763

B245131 Second Appellate District, Div. 5

**CENTER FOR BIOLOGICAL
DIVERSITY v.
DEPARTMENT OF FISH &
WILDLIFE (NEWHALL
LAND & FARMING
COMPANY)**

Extension of time granted

On application of California Building Industry Association, Building Industry Legal Defense Foundation, Building Industry Association of the Bay Area, California Business Properties Association, and California Association of Realtors and good cause appearing, it is ordered that the time to serve and file the amicus brief is extended to January 9, 2015.

S217763 B245131 Second Appellate District, Div. 5 **CENTER FOR BIOLOGICAL DIVERSITY v. DEPARTMENT OF FISH & WILDLIFE (NEWHALL LAND & FARMING COMPANY)**

Extension of time granted

On application of George Deukmejian, Pete Wilson, and Gray Davis and good cause appearing, it is ordered that the time to serve and file the application to file an amici curiae brief in support of respondents is extended to January 9, 2015.

S217896 F065450/F065451/F065689
Fifth Appellate District **PEOPLE v. GREWAL (KIRNPAL)**

Extension of time granted

On application of appellant's Kirnpal Grewal, Phillip Ernest Walker and John C. Stidman and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to February 4, 2015.

S218861 D063394 Fourth Appellate District, Div. 1 **PEOPLE v. CASTILLOLOPEZ (EMMANUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 30, 2015.

S220247 G048155 Fourth Appellate District, Div. 3 **PEOPLE v. ROBINSON (LEE HOANG)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to February 8, 2015.

S222591 **CRUZ (TOMAS VERANO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that the response to respondent's motion for access to records is anticipated to be filed by January 30, 2015, counsel's request for an extension of time in which to file that document is granted to January 30, 2015. After that date, no further extension is contemplated.

S222737**JOHNSON (JOE EDWARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Melissa Lipon's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 26, 2015, counsel's request for an extension of time in which to file that document is granted to February 24, 2015. After that date, only two further extensions totaling about 120 additional days are contemplated.

S222858

F067812 Fifth Appellate District

**FIRST CALIFORNIA BANK v.
McDONALD (MARY ALICE)**

Extension of time granted

On application of respondent 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 January 15, 2015.

S222990

C071359 Third Appellate District

**WESTERN WATER
COMPANY v. WESTERN
AGGREGATES LLC**

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 the answer to petition for review is extended to January 12, 2015.

S223218

F067046 Fifth Appellate District

**FIORINI (BRETT A.) v. CITY
BREWING COMPANY LLC**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to January 20, 2015.

S077524**PEOPLE v. SALAZAR
(MAGDALENO)**

Order filed

Appellant's "Application for Permission to File Supplemental Opening Brief," filed on December 24, 2014, is granted. The Clerk is directed to file the "Appellant's Supplemental Opening Brief," received on December 24, 2014.

Respondent may serve and file a supplemental respondent's brief no later than 30 days from the date of this order. Appellant may serve and file a supplemental reply brief no later than 30 days after the date respondent's supplemental brief is filed. No extensions of time for filing these briefs will be granted absent extraordinary circumstances.

S222161**EZELL (LEE) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S222601**TABIOS (RICARDO) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S222716**LOPEZ (JAVIER) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

S222939**THORNTON (WILLIAM
CECIL) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division One

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S222941**THORNTON (WILLIAM
CECIL) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division One

The above-entitled matter is transferred to the Court of Appeal Fourth Appellate District, Division One, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S222991**SMITH (LEROY) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

S204144**FERRARA ON DISCIPLINE**

Probation revoked

The court orders that the probation of LOUIS JOSEPH FERRARA, State Bar Number 73345, is revoked. The court further orders that:

1. LOUIS JOSEPH FERRARA is suspended from the practice of law for a minimum of three years, and he will remain suspended until he provides proof to the State Bar Court of his 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. LOUIS JOSEPH FERRARA is given credit towards the three-year suspension for the period of involuntary inactive enrollment which commenced on October 6, 2014.

LOUIS JOSEPH FERRARA 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. Failure to do so may result in disbarment or suspension.

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.

S223457**JEFFRIES ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation with charges pending of SUSAN L. JEFFRIES, State Bar Number 95296, as a member of the State Bar of California is accepted. If SUSAN L. JEFFRIES subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against her.

SUSAN L. JEFFRIES 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. Failure to do so may be considered in any future reinstatement proceeding.

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

S223579**CARLTON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LUCYANN CARLTON, State Bar Number 67750, as a member of the State Bar of California is accepted.

LUCYANN CARLTON 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.

S223594**DORGAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CARROLL STEWART DORGAN, State Bar Number 138961, as a member of the State Bar of California is accepted.

CARROLL STEWART DORGAN 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.

S223595**GRIFFIN-STOLTE ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TAMI LYNN GRIFFIN-STOLTE, State Bar Number 112957, as a member of the State Bar of California is accepted.

TAMI LYNN GRIFFIN-STOLTE 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.

S223596**MITCHELL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEPHEN B. MITCHELL, State Bar Number 52634, as a member of the State Bar of California is accepted.

STEPHEN B. 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.

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 7, 2015
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Wednesday, January 7, 2015, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger.

Officers present: Frank A. McGuire, Clerk, Jorge Navarrete, Assistant Clerk Administrator, and Gail Gray, Calendar Coordinator.

S211596 Tract 19051 Homeowners Association et al., Plaintiffs and Appellants,
v.
Maurice Kemp et al., Defendants and Respondents.

[TO BE CALLED AND CONTINUED TO THE FEBRUARY 2015 CALENDAR]

S205145 The People, Plaintiff and Respondent,
v.
Dora Diaz, Defendant and Appellant.

Cause called. Masha A. Dabiza, Office of the Attorney General, argued for Respondent.
Dallas Sacher, Court-appointed Counsel, argued for Appellant.

Ms. Dabiza replied.
Cause submitted.

S213545 Ashley Jourdan Coffey, Plaintiff and Appellant,
v.
Jean Shiimoto, as Chief Deputy Director, etc., Defendant and Respondent.

Cause called. Chad Maddox argued for Appellant.
Kevin Kian Hosn, Office of the Attorney General, argued for Respondent.

Mr. Maddox replied.
Cause submitted.

S211840 The People, Plaintiff and Respondent,
v.
James Alden Loper, Defendant and Appellant.

Cause called. Raymond Mark DiGuiseppe, Court-appointed Counsel,
argued for Appellant.
Lise Jacobson, Office of the Attorney General, argued for Respondent.

Mr. DiGuiseppe replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.
Members of the court and officers present as first shown.

S215927 The People, Plaintiff and Respondent,
v.
Victoria Samantha Cook, Defendant and Appellant.

Cause called. Tami F. Hennick, Office of the Attorney General,
argued for Respondent.
Thomas K. Macomber, Court-appointed Counsel, argued for Appellant.

Ms. Hennick replied.
Cause submitted.

S064858

The People, Plaintiff and Respondent,
v.
Royce Lyn Scott, Defendant and Appellant.

Cause called. Arnold Erickson, Office of the Public Defender,
argued for Appellant.
Jennifer Jadovitz, Office of the Attorney General, argued for Respondent.

Mr. Erickson replied.
Cause submitted.

Court adjourned.