

**SUPREME COURT MINUTES
MONDAY, JULY 11, 2016
SAN FRANCISCO, CALIFORNIA**

S097886

**PEOPLE v. ZARAGOZA
(LOUIS RANGEL)**

Opinion filed: Judgment reversed

The judgment of death is reversed. In all other respects, the judgment is affirmed.

Majority Opinion by Cuéllar, J.

-- joined by Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, and Kruger, JJ.

S224929

H039219 Sixth Appellate District

**PEOPLE v. ESPINOZA, JR.,
(ZEFERINO)**

Opinion filed: Judgment reversed

The judgment of the Court of Appeal is reversed. Because the Court of Appeal did not reach defendant's other appellate claims of sentencing error, we remand the matter to the Court of Appeal for further proceedings consistent with this opinion.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S235564

**THORNTON (WILLIAM
CECIL) v. CALIFORNIA
TRAINING FACILITY
(DEPARTMENT OF
CORRECTIONS &
REHABILITATION)**

Vexatious litigant application denied

The application of petitioner for leave to file Petition for Writ of Mandate is hereby denied.

S234996

E062725 Fourth Appellate District, Div. 2

**PEOPLE FOR PROPER
PLANNING v. CITY OF
PALM SPRINGS**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to September 17, 2016. (Cal. Rules of Court, rule 8.512(c).)

S234182 B256361 Second Appellate District, Div. 1 **PEOPLE v. WEDDINGTON
(TRAVION)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 12, 2016.

S234233 B258629 Second Appellate District, Div. 3 **PEOPLE v. DIAZ (DONIVAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 15, 2016.

S234279 H040518 Sixth Appellate District **PEOPLE v. GALLARDO
(ESTEBAN HERNANDEZ)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 12, 2016.

S234537 D069446 Fourth Appellate District, Div. 1 **PEOPLE v. QUEZADA, SR.,
(ALEX VINCENT)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 15, 2016.

S234569 E062098 Fourth Appellate District, Div. 2 **PEOPLE v. IZAGUIRRE
(ALFREDO AGUILAR)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 12, 2016.

S234578 B262917 Second Appellate District, Div. 4 **JOHN DOE v. UNIVERSITY
OF SOUTHERN
CALIFORNIA**

The time for granting or denying review in the above-entitled matter is hereby extended to August 12, 2016.

S234587 B259878 Second Appellate District, Div. 3 **PEOPLE v. MAHJOOB
(QAYS)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 15, 2016.

S234595 H041898 Sixth Appellate District

**PEOPLE v. MURILLO
(JAIME)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 15, 2016.

S234598 A144425 First Appellate District, Div. 5

**PEOPLE v. KNIGHT
(ANTHONY)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 15, 2016.

S234608 C079201 Third Appellate District

**PEOPLE v. JIMENEZ
(DARIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2016.

S234610 B262526 Second Appellate District, Div. 8

**SAFARIAN CHOI &
BOLSTAD LLP v.
MINASSIAN (SHAHEN)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 16, 2016.

S234616 D066895 Fourth Appellate District, Div. 1

**PEOPLE v. GONZALEZ
(ANGEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 16, 2016.

S234617 B264641 Second Appellate District, Div. 5

**KURWA (BADRUDIN) v.
KISLINGER (MARK B.)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 16, 2016.

S234637 C081777 Third Appellate District

**BRUSIN (MATTHEW
ROBERT) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2016.

S234642 A140033 First Appellate District, Div. 2 **PEOPLE v. HALL (ANTHONY D.)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2016.

S234655 A147850 First Appellate District, Div. 4 **ROBINSON (EDWARD) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2016.

S234661 H041736 Sixth Appellate District **D. (R.), CONSERVATORSHIP OF**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2016.

S234665 B258639 Second Appellate District, Div. 5 **PEOPLE v. ARMSTRONG (JOHN)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2016.

S234675 A147860 First Appellate District, Div. 4 **PREE (WILLIAM) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2016.

S111336 **BENAVIDES FIGUEROA (VICENTE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael J. Hersek's representation that the traverse to the return to the order to show cause is anticipated to be filed by October 14, 2016, counsel's request for an extension of time in which to file that document is granted to September 12, 2016. After that date, only one further extension totaling about 31 additional days is contemplated.

S152463 **PEOPLE v. HILL (IVAN J.)**

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 September 12, 2016.

S154459**PEOPLE v. TURNER
(CHESTER DEWAYNE)**

Extension of time granted

Good cause appearing, and based upon State Public Defender Mary K. McComb's representation that the appellant's reply brief is anticipated to be filed by November 16, 2016, counsel's request for an extension of time in which to file that brief is granted to September 13, 2016. After that date, only one further extension totaling about 63 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).)

S162197**PEOPLE v. VICTORIANNE
(JAVIER WILLIAM)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Sara Theiss's representation that the appellant's opening brief is anticipated to be filed by June 28, 2017, counsel's request for an extension of time in which to file that brief is granted to September 12, 2016. After that date, only five further extensions totaling about 289 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).)

S162506**PEOPLE v. CHAVEZ (JUAN
JOSE)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Robin Kallman's representation that the appellant's opening brief is anticipated to be filed by May 5, 2017, counsel's request for an extension of time in which to file that brief is granted to September 12, 2016. After that date, only four further extensions totaling about 234 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).)

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 October 5, 2016, counsel's request for an extension of time in which to file that brief is granted to September 6, 2016. 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).)

S171393**PEOPLE v. McDANIEL
(DONTE LAMONT)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Elias Batchelder's representation that the appellant's reply brief is anticipated to be filed by March 10, 2017, counsel's request for an extension of time in which to file that brief is granted to September 6, 2016. After that date, only three further extensions totaling about 184 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).)

S171998**PEOPLE v. DELEON
(SKYLAR JULIUS)**

Extension of time granted

Good cause appearing, and based upon counsel Wesley A. Van Winkle's representation that the appellant's opening brief is anticipated to be filed by October 31, 2016, counsel's request for an extension of time in which to file that brief is granted to September 1, 2016. After that date, only one further extensions totaling about 60 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).)

S172432**PEOPLE v. CHEATHAM
(STEVEN DEWAYNE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Nima Razfar's representation that the respondent's brief is anticipated to be filed by November 14, 2016, counsel's request for an extension of time in which to file that brief is granted to September 12, 2016. After that date, only one further extension totaling about 62 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).)

S178669**PEOPLE v. WYCOFF
(EDWARD MATTHEW)**

Extension of time granted

Good cause appearing, and based upon counsel David A. Nickerson's representation that the appellant's reply brief is anticipated to be filed by December 3, 2016, counsel's request for an extension of time in which to file that brief is granted to September 6, 2016. After that date, only two further extensions totaling about 91 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).)

S182278**PEOPLE v. NELSON (TANYA
JAIME)**

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 September 6, 2016.

S197781**PEOPLE v. REED (DAVID
JOHN)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Timothy J. Foley's representation that the appellant's opening brief is anticipated to be filed by December 23, 2016, counsel's request for an extension of time in which to file that brief is granted to September 12, 2016. After that date, only two further extensions totaling about 101 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).)

S199311**GARCIA (RANDY EUGENE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Russell A. Lehman's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 7, 2017, counsel's request for an extension of time in which to file that document is granted to September 7, 2016. After that date, only three further extensions totaling about 180 additional days are contemplated.

S199667**PEOPLE v. GRAHAM
(JAWAUN DEION)**

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 September 13, 2016.

S203514**PEOPLE v. HUGHES
(MICHAEL)**

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 September 6, 2016.

S221519**CÁSARES (JOSÉ) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Fred Renfroe's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 29, 2017, counsel's request for an extension of time in which to file that document is granted to September 6, 2016. After that date, only five further extensions totaling about 295 additional days are contemplated.

S222718**SMITH (DONALD
FRANKLIN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General William N. Frank's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by February 10, 2017, counsel's request for an extension of time in which to file that document is granted to September 6, 2016. After that date, only three further extensions totaling about 156 additional days are contemplated.

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

Extension of time granted

Good cause appearing, and based upon counsel Margo Hunter's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 17, 2016, counsel's request for an extension of time in which to file that document is granted to September 6, 2016. After that date, only one further extension totaling about 40 additional days will be granted.

S228277

B244841 Second Appellate District, Div. 3

**PARRISH (WILLIAM) v.
LATHAM & WATKINS, LLP**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the response to amicus curiae is extended to August 10, 2016.

S230863**AINSWORTH (TYRELL) ON
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to August 5, 2016.
No further extensions of time will be contemplated.

S230906 A140050 First Appellate District, Div. 3**PEOPLE v. DELEON (ALLEN
DIMEN)**

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 August 5, 2016.

S231112**MACHUCA (ROBBIN
MONIQUE) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to August 10, 2016.

S231153**DUONG (ANH THE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Susan Garvey's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 19, 2017, counsel's request for an extension of time in which to file that document is granted to September 12, 2016. After that date, only four further extensions totaling about 248 additional days are contemplated.

S232037**TAYLOR (LEIF) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to August 4, 2016. No further extensions of time are contemplated.

S232557**HOLMES (JESSICA) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response to the petition for writ of habeas corpus is extended to August 5, 2016.

S233065**TUILAEP (PAUL P.) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defenders Marta Vanlandingham's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by November 4, 2016, counsel's request for an extension of time in which to file that document is granted to September 6, 2016. After that date, only one further extension totaling about 60 additional days is contemplated.

S233199**LAMBERT (JOHN) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response to the petition for writ of habeas corpus is extended to August 5, 2016.

S233526

D067383 Fourth Appellate District, Div. 1

**SWEETWATER UNION
SCHOOL DISTRICT v.
GILBANE BUILDING
COMPANY**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to August 8, 2016.

S233847**WILLIAMS (TARA
SHENEVA) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to August 10, 2016.

S234083**SINGH (BALJIT) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to July 20, 2016.

S068863**PEOPLE v. SCOTT (DAVID
LYNN)**

Counsel appointment order filed

Upon request of condemned inmate David Lynn Scott for appointment of counsel, Gary B. Wells is hereby appointed to represent condemned inmate David Lynn Scott for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any “petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months” of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court’s delay in appointing habeas corpus/executive clemency counsel on behalf of condemned inmate David Lynn Scott.

S012279**PEOPLE v. LUCAS (DAVID ALLEN)**

Motion for access to sealed record granted

Appellant's unopposed "Application for Release of Files, Records, and Confidential Materials," filed on May 10, 2016, is granted as follows. Counsel for David Allen Lucas, the Federal Public Defender for the Central District of California, is granted access to the materials in the records of *People v. Lucas*, No. S012279, and *In re David Allen Lucas on H.C. S168103*, including the sealed and confidential portions of the records, except for the following items:

Clerk's Transcript in S012279:

(1) 119A CT pages 26093-26134; (2) 119B CT pages 26135-26141; (3) 119C CT pages 26142-26145; (4) 119D CT pages 26146-26157; (5) 119E CT pages 26158-26180; (6) 120 CT pages 26181-26422; (7) 121 CT pages 26423-26620; (8) 122 CT pages 26621-26832; (9) 123A CT pages 26833-26874; (10) 123B CT pages 26875-26878; (11) 123C CT pages 26879-27048; (12) 124A CT pages 27049-27098; (13) 124B CT pages 27099-27103; (14) 124C CT pages 27104-27142; (15) 125 CT pages 27143-27384; (16) 126 CT pages 27385-27583; (17) 127 CT pages 27584-27833.

Reporter's Transcript in S012279:

(18) Sealed RT Preliminary Hrg. VII-A pages 1-54; (19) 8 RT (augmented) pages 1-3; (20) 235-A RT pages 1-4; (21) Trial Volume 3-1 RT pages 427-432; (22) 231-A RT pages 1-33; (23) 239-A RT pages 1-16; (24) 229-A RT 23,115-23,176; (25) 47-A RT pages 8696-8707; (26) RT (augmented) pages 3214-3217 [In Camera Hearing April 2, 1986]; (27) 39-C RT pages 7620-7637; (28) 80-A RT pages 4367-4389; (29) 88-A RT pages 5331-5340.

Counsel must supply the personnel and equipment necessary to undertake the review and copying of the records, which must occur on the court's premises. Counsel must not release or cause to be released any of the sealed or confidential material or any of the information contained therein to anyone other than counsel's agents without a prior order of this court.

S220187 C074264 Third Appellate District**IN RE ABBIGAIL A.**

Request for judicial notice granted

Respondent Joseph A.'s request for judicial notice, filed July 7, 2016, is granted. The court grants judicial notice of the regulations implementing the Indian Child Welfare Act promulgated by the Department of the Interior, Bureau of Indian Affairs. (See 81 Fed. Reg. 38778 (June 14, 2016), adding 25 C.F.R. §§ 23.105-23.144 (eff. Dec. 12, 2016).)

The court does not request supplemental briefs. This order does not affect the prior submission of the cause on May 3, 2016.

S232946

B256314 Second Appellate District, Div. 4

**SHEPPARD, MULLIN,
RICHTER & HAMPTON, LLP
v. J-M MANUFACTURING
CO., INC.**

Order filed

The application of respondent and appellant for permission to file a joint request for judicial notice is hereby granted.

S235503**WINDHAM (CHARLES W.) v.
BROWN (EDMUND
G.)/(PEOPLE)**

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

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