

**SUPREME COURT MINUTES  
MONDAY, JUNE 15, 2015  
SAN FRANCISCO, CALIFORNIA**

**S202921**      D057392 Fourth Appellate District, Div. 1      **PEOPLE v. LE (ERIC HUNG)**

Opinion filed: Judgment affirmed in full

We conclude that a trial court is precluded from imposing both a firearm enhancement under section 12022.5, subdivision (a)(1) and a serious felony gang enhancement under section 186.22, subdivision (b)(1)(B) when the crime qualifies as a serious felony solely because it involved firearm use. Because both enhancements in the present case were based solely on defendant Yang's use of a firearm in the commission of a single offense, section 1170.1, subdivision (f) requires that only the greater of the two enhancements may be imposed. This conclusion is a logical extension of the holding in *Rodriguez, supra*, 47 Cal.4th 501.

For the foregoing reasons, the Court of Appeal's judgment is affirmed.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Werdegarr, Corrigan, Liu, Cuéllar, and Kruger, JJ.

Dissenting Opinion by Chin, J.

**S212072**      H038563 Sixth Appellate District

**CALIFORNIA BUILDING  
INDUSTRY ASSOCIATION v.  
CITY OF SAN JOSE  
(AFFORDABLE HOUSING  
NETWORK OF SANTA  
CLARA COUNTY)**

Opinion filed: Judgment affirmed in full

As noted at the outset of this opinion, for many decades California statutes and judicial decisions have recognized the critical need for more affordable housing in this state. Over the years, a variety of means have been advanced and undertaken to address this challenging need. We emphasize that the legal question before our court in this case is not the wisdom or efficacy of the particular tool or method that the City of San Jose has adopted, but simply whether, as the Court of Appeal held, the San Jose ordinance is subject to the ordinary standard of judicial review to which legislative land use regulations have traditionally been subjected.

For the reasons discussed above, the judgment of the Court of Appeal is affirmed.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Werdegarr, Corrigan, Liu, Cuéllar, and Kruger, JJ.

Concurring Opinion by Werdegarr, J.

Concurring Opinion by Chin, J.

**S117235****LEWIS, JR., (ROBERT) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Margaret E. Maxwell's representation that the supplemental brief on the merits is anticipated to be filed by July 18, 2015, counsel's request for an extension of time in which to file that document is granted to July 20, 2015. After that date, no further extension is contemplated.

**S138052****PEOPLE v. MATAELE  
(TUPOUTOE)**

Extension of time granted

Good cause appearing, and based upon counsel Stephen M. Lathrop's representation that the appellant's reply brief is anticipated to be filed by August 14, 2015, counsel's request for an extension of time in which to file that brief is granted to August 14, 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).)

**S141274****PEOPLE v. ABBOTT (JOE  
HENRY)**

Extension of time granted

Good cause appearing, counsel Gregory L. Rickard's request for an extension of time in which to file the appellant's opening brief is granted to July 20, 2015. After that date, no further extension will be granted.

**S178123****BUTLER (RAYMOND  
OSCAR) ON H.C.**

Extension of time granted

Good cause appearing, counsel Shelley K. Mack's request for an extension of time in which to file the reply to the informal response to the petition for writ of habeas corpus is granted to August 1, 2015. After that date, only two further extensions totaling about 125 additional days will be granted.

**S219783**

F066798 Fifth Appellate District

**SIERRA CLUB v. COUNTY  
OF FRESNO (FRIANT  
RANCH, L.P.)**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the answer to amicus curiae briefs is extended to June 26, 2015.

**S219811**      B252032 Second Appellate District, Div. 3      **LEWIS (ALWIN CARL) v. S.C.  
(MEDICAL BOARD OF  
CALIFORNIA)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to July 17, 2015.

**S220812**      B244412 Second Appellate District, Div. 7      **SANDQUIST (TIMOTHY) v.  
LEBO AUTOMOTIVE, INC.**

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 amicus curiae brief of DRI-The Voice of the Defense Bar and The Association of Southern California Defense Counsel is extended to June 26, 2015.

**S221958**      E054056 Fourth Appellate District, Div. 2      **PEOPLE v. CANIZALES  
(MICHAEL RAFAEL)**

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 July 15, 2015.

No further extension will be contemplated.

**S222732**      B249546 Second Appellate District, Div. 7      **DYNAMEX OPERATIONS  
WEST, INC. v. S.C. (LEE)**

Extension of time granted

On application of real parties in interest and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to July 27, 2015.

**S224701**      **LEWIS, SR., (KEITH ALLEN)  
ON H.C.**

Extension of time granted

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

Good cause appearing, and based upon Deputy Attorney General Alice B. Lustre's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 28, 2015, counsel's request for an extension of time in which to file that document is granted to July 28, 2015. After that date, only one further extension totaling about 60 additional days is contemplated.

**S226063****COLLINS (SCOTT FORREST)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Theresa A. Patterson's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 10, 2015, counsel's request for an extension of time in which to file that document is granted to August 11, 2015. After that date, only one further extension totaling about 60 additional days is contemplated.

**S226985****CASSIDY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN PATRICK CASSIDY, State Bar Number 60770, as a member of the State Bar of California is accepted.

JOHN PATRICK CASSIDY 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.

**S226987****CEDIC ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ALEXANDRA ROSE CEDIC, State Bar Number 132952, as a member of the State Bar of California is accepted.

ALEXANDRA ROSE CEDIC 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.

**S227009****IMWINKELRIED ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of EDWARD JOHN IMWINKELRIED, State Bar Number 45371, as a member of the State Bar of California is accepted.

EDWARD JOHN IMWINKELRIED 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.

**S227012****RICHARDSON ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BETTY HANSEN RICHARDSON, State Bar Number 107083, as a member of the State Bar of California is accepted.

BETTY HANSEN RICHARDSON 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.

**S227013****BRADY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID SHARP BRADY, State Bar Number 153824, as a member of the State Bar of California is accepted.

DAVID SHARP BRADY 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.

**S227014****CAMPBELL ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CATHERINE FANCHER CAMPBELL, State Bar Number 65103, as a member of the State Bar of California is accepted.

CATHERINE FANCHER CAMPBELL 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.

**S227016****CLEPPER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHAEL HENRY CLEPPER, State Bar Number 30863, as a member of the State Bar of California is accepted.

MICHAEL HENRY CLEPPER 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.

**S227019****DAWSON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LAURI BROWN DAWSON, State Bar Number 128322, as a member of the State Bar of California is accepted.

LAURI BROWN DAWSON 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.

**S227020****LUBIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CAROL J. LUBIN, State Bar Number 95677, as a member of the State Bar of California is accepted.

CAROL J. LUBIN 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.

**S227056****RUTBERG ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SUSAN RUTBERG, State Bar Number 67374, as a member of the State Bar of California is accepted.

SUSAN RUTBERG 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.

**BAR MISC. 4186    IN THE MATTER OF THE APPLICATION OF THE COMMITTEE  
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA  
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,208)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)