

**SUPREME COURT MINUTES
THURSDAY, JUNE 21, 2018
SAN FRANCISCO, CALIFORNIA**

S105908**PEOPLE v. GHOBRIAL
(JOHN SAMUEL)**

Opinion filed: Judgment affirmed in full
Majority Opinion by Kruger, J.

— joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Butz*, JJ.

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

S231009

B257775 Second Appellate District, Div. 5

**PEOPLE v. FARWELL
(RANDOLPH D.)**

Opinion filed: Judgment reversed

The Court of Appeal's judgment affirming Farwell's conviction on count 2 is reversed with directions that the matter be remanded to the trial court for further proceedings not inconsistent with this opinion.

Majority Opinion by Corrigan, J.

-- Cantil-Sakauye, C. J., Chin, Liu, Cuéllar, Kruger, and Collins*, JJ.

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

S249452

B290658 Second Appellate District, Div. 3

**GRAY (COREY) v.
APPELLATE DIVISION (901
PARKMAN LLC)**

Petition for review & application for stay denied

S142959**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Timothy Young, it is ordered that the time to serve and file appellant's opening brief is extended to August 17, 2018.

S142959**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Donald Young, it is ordered that the time to serve and file appellant's opening brief is extended to August 17, 2018.

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

Extension of time granted

Based upon Deputy Attorney General Britton B. Lacy's representation that the respondent's brief is anticipated to be filed by August 27, 2018, an extension of time in which to file that brief is granted to August 27, 2018. 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).)

S165649**PEOPLE v. COOK
(MICHAEL)**

Extension of time granted

Based upon counsel Marcia A. Morrissey's representation that the appellant's reply brief is anticipated to be filed by December 7, 2018, an extension of time in which to file that brief is granted to August 17, 2018. After that date, only two further extensions totaling about 111 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).)

S185810**PEOPLE v. THREATS
(DERLYN RAY)**

Extension of time granted

The application of the Superior Court of San Diego County for an extension of time to prepare, certify for accuracy and send the record as corrected to the California Supreme Court, filed on June 11, 2018, is granted.

The Superior Court of San Diego County is directed to complete and deliver the clerk's and reporter's transcripts on appeal pursuant to California Rules of Court, rule 8.622(e) on or before September 27, 2018.

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

Extension of time granted

Based upon Deputy Attorney General Ryan M. Smith's representation that the respondent's brief is anticipated to be filed by August 24, 2018, an extension of time in which to file that brief is granted to August 24, 2018. 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).)

S208209**PEOPLE v. BURRIS
(NATHAN)**

Extension of time granted

Based upon Deputy State Public Defender Elias Batchelder's representation that the appellant's opening brief is anticipated to be filed by February 14, 2019, an extension of time in which to file that brief is granted to August 21, 2018. After that date, only three further extensions totaling about 176 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).)

S208429**PEOPLE v. FOWLER
(RICKIE LEE)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to August 21, 2018.

S212161**PEOPLE v. WALTERS
(MICHAEL J.)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to August 20, 2018.

S212477**PEOPLE v. FRAZIER
(TRAVIS) & NOWLIN
(KENNETH LEE)**

Extension of time granted

On application of appellant Kenneth Nowlin, it is ordered that the time to serve and file appellant's opening brief is extended to August 24, 2018.

S212477

**PEOPLE v. FRAZIER
(TRAVIS) & NOWLIN
(KENNETH LEE)**

Extension of time granted

On application of appellant Travis Frazier, it is ordered that the time to serve and file appellant's opening brief is extended to August 24, 2018.

S217284

**JONES (BRYAN MAURICE)
ON H.C.**

Extension of time granted

Based upon Deputy Attorney General Brendon W. Marshall's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 18, 2018, an extension of time in which to file that document is granted to August 20, 2018. After that date, only one further extension totaling about 58 additional days is contemplated.

S242244 B265937 Second Appellate District, Div. 3

**PEOPLE v. GUZMAN
(ALEJANDRO O.)**

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 July 13, 2018.

S246444 G052551 Fourth Appellate District, Div. 3

**KIRZHNER (ALLEN) v.
MERCEDES-BENZ USA, LLC**

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 July 11, 2018.

S246524

**McCUTCHEN (KAYL
GERARD) 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 16, 2018.

S247044 B271368 Second Appellate District, Div. 7 **PEOPLE v. FONTENOT
(JOHN)**

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 9, 2018.

S248004 **BASSIS ON DISCIPLINE**
Recommended discipline imposed

The court orders that LISA MICHELLE BASSIS, State Bar Number 87845, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. LISA MICHELLE BASSIS must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on February 14, 2018; and
2. At the expiration of the period of probation, if LISA MICHELLE BASSIS has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

LISA MICHELLE BASSIS 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 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.

S248011 **LeBOEUF ON DISCIPLINE**
Recommended discipline imposed

The court orders that JACQUES BERNARD LeBOEUF, State Bar Number 163579, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. JACQUES BERNARD LeBOEUF is suspended from the practice of law for a minimum of the first 18 months of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and present 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. JACQUES BERNARD LeBOEUF must also comply with the other conditions of probation

recommended by the Hearing Department of the State Bar Court in its Decision filed on October 25, 2017.

3. At the expiration of the period of probation, if JACQUES BERNARD LeBOEUF has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JACQUES BERNARD LeBOEUF 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.

S248136**DUPREE IV ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CHARLES LEROY DUPREE IV, State Bar Number 156840, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. CHARLES LEROY DUPREE IV 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.

S248137**NGUYEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KHUONG DINH NGUYEN, State Bar Number 151457, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KHUONG DINH NGUYEN must make restitution to Quentisha Williams in the amount of \$8,333.34 plus 10 percent interest per year from January 27, 2015. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

KHUONG DINH NGUYEN 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.

S248139**PALACIOS ON DISCIPLINE**

Recommended discipline imposed

The court orders that VICTOR S. PALACIOS, State Bar Number 55986, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. VICTOR S. PALACIOS is suspended from the practice of law for the first 60 days of probation;
2. VICTOR S. PALACIOS 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 February 27, 2018; and
3. At the expiration of the period of probation, if VICTOR S. PALACIOS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

VICTOR S. PALACIOS 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-half of the costs must be paid with his membership fees for each of the years 2019 and 2020. If VICTOR S. PALACIOS 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.

S248140**VERCHICK ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEPHEN HENRY VERCHICK, State Bar Number 46097, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. STEPHEN HENRY VERCHICK is suspended from the practice of law for the first 30 days of probation;
2. STEPHEN HENRY VERCHICK 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 February 2, 2018, as modified by its Order filed on February 27, 2018; and
3. At the expiration of the period of probation, if STEPHEN HENRY VERCHICK has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

STEPHEN HENRY VERCHICK 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. The costs must be paid with his membership fees for the year 2019. If STEPHEN HENRY VERCHICK 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.

S248143**MAASEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that SCOTT ALLAN MAASEN, State Bar Number 185735, 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 two years subject to the following conditions:

1. SCOTT ALLAN MAASEN is suspended from the practice of law for the first 90 days of probation;
2. SCOTT ALLAN MAASEN 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 February 27, 2018; and
3. At the expiration of the period of probation, if SCOTT ALLAN MAASEN has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

SCOTT ALLAN MAASEN 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).)

SCOTT ALLAN MAASEN 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.

S248144**WOOD ON DISCIPLINE**

Recommended discipline imposed

The court orders that FREDERICK JAMES WOOD, State Bar Number 121994, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. FREDERICK JAMES WOOD is suspended from the practice of law for a minimum of the first 60 days of probation, and he will remain suspended until the following conditions are satisfied:

- i. He makes restitution to Alan and Eliza Cheng in the amount of \$3,885 plus 10 percent interest per year from August 22, 2015 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Alan and Eliza Cheng, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
 - ii. He pays the \$250 sanction award issued on February 3, 2015, by the San Luis Obispo County Superior Court in the matter of *Brenda Sparks v. Alan Cheng and Eliza Cheng*, case No. 14CVP-0105, and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
 - iii. If he remains suspended for 90 days or more as a result of not satisfying the preceding conditions, he 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 120 and 130 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension; and
 - iv. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. FREDERICK JAMES WOOD must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on February 13, 2018.
 3. At the expiration of the period of probation, if FREDERICK JAMES WOOD has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

FREDERICK JAMES WOOD must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer 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.

S248132**POSIN ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with charges pending of MITCHELL LEE POSIN, State Bar Number 115151, as a member of the State Bar of California is accepted. If MITCHELL LEE POSIN subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

MITCHELL LEE POSIN 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.

S248134**TURLEY ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with charges pending of PAUL RAYMOND TURLEY, State Bar Number 177777, as a member of the State Bar of California is accepted. If PAUL RAYMOND TURLEY subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

PAUL RAYMOND TURLEY 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.

