

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 21, 2018
SAN FRANCISCO, CALIFORNIA**

S246711 D071279/D071376 Fourth Appellate District, Div. 1 **LAWSON (KALETHIA) v. ZB, N.A.**

Petition for review granted

The request for judicial notice is granted.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S243975 E065029 Fourth Appellate District, Div. 2 **PEOPLE v. LARA II (HENRY ARSENIO)**

Briefing ordered in previously Held case

The parties are directed to brief the following question: “Does Penal Code section 490.2, added by Proposition 47, effective November 5, 2014, apply directly (i.e., without a petition under Penal Code section 1170.18) in trial and sentencing proceedings held after Proposition 47’s effective date, where the charged offense was allegedly committed before Proposition 47’s effective date?” The parties’ briefs are to be filed as set out in California Rules of Court, rule 8.520(a), with the time for petitioner to file the opening brief (id., rule 8.520(a)(1)) running from the date of this order.

S167100 **ZAMUDIO JIMENEZ (SAMUEL) ON H.C.**

Order to show cause issued, returnable in Superior Court (Atkins claim)

This petition for writ of habeas corpus was filed in this court on September 29, 2008, and amended on June 28, 2010, before the effective date of Proposition 66, the “Death Penalty Reform and Savings Act of 2016.” (See *Briggs v. Brown* (2017) 3 Cal.5th 808, 862, reh. den. Oct. 25, 2017.) Under section 1509, subdivision (g) of the Penal Code, the court exercises its authority to retain this petition and decide it.

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause in the Superior Court of California, County of Los Angeles, when the matter is placed on calendar, why the relief prayed for should not be granted on the grounds that: (1) trial counsel provided ineffective assistance during the penalty phase, as alleged in Claim 10; (2) one or more jurors may have engaged in prejudicial misconduct during the guilt phase deliberations, as alleged in Claim 13; and (3) petitioner is intellectually disabled within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in Claim 14 (see *In re Hawthorne* (2005) 35 Cal.4th 40).

The return is to be filed on or before [30 days from the date of the order].

All remaining claims in the petition are denied on the merits.

Claims 1–6, 13 (except to the extent it alleges prejudicial juror misconduct), 16, and 17, except to

the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Dixon* (1953) 41 Cal.2d 756, 759, to the extent they could have been raised on appeal but were not. Claims 7, 8, 12, and 15, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Seaton* (2004) 34 Cal.4th 193, 201, to the extent they could have been raised in the trial court but were not.

This court retains jurisdiction over all matters concerning the appointment of counsel for petitioner.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S246575 B277467 Second Appellate District, Div. 8 **PEOPLE v. GERONIMO
(ABRAHAM)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Eight

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Eight, with directions to vacate its decision and reconsider the cause in light of S.B. 620 (Stats. 2017, ch. 682). (Cal. Rules of Court, rule 8.528(d).)

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S246820 D072097 Fourth Appellate District, Div. 1 **DAVIS (KEITH O.) v. PURPLE
MOUNTAIN EMPIRE X, LLC.**

Review granted on the court's own motion; transferred to Court of Appeal, Fourth Appellate District, Division One

At the request of the Court of Appeal, review is ordered on this court's own motion. The cause is transferred to the Court of Appeal, Fourth Appellate District, Division One, for further proceedings.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S230342 E064591 Fourth Appellate District, Div. 2 **MOOSE (LEDONNA
DENYSE) v. S.C. (D.R.
HORTON LOS ANGELES
HOLDING COMPANY, INC.)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
Review in the above-captioned matter is transferred to the Court of Appeal, Fourth District, Division Two, for reconsideration in light of *McMillin Albany LLC v. Superior Court* (2018) 4 Cal.5th 241. (Cal. Rules of Court, rule 8.528(d).)

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S231791 G051358 Fourth Appellate District, Div. 3 **PEOPLE v. SALGADO**
(MARIO)

Transferred to Court of Appeal, Fourth Appellate District, Division Three, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S232250 C078609 Third Appellate District **PEOPLE v. HAYWOOD**
(PHARAOH)

Transferred to Court of Appeal, Third Appellate District, after hold
The matter is transferred to the Court of Appeal, Third Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S232951 E063471 Fourth Appellate District, Div. 2 **PEOPLE v. STATES**
(CHARLES LEWIS)

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S233465 E063718 Fourth Appellate District, Div. 2 **PEOPLE v. FLAHERTY**
(RYAN PATRICK)

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S234150 B262149 Second Appellate District, Div. 3 **PEOPLE v. SOLIS**
(ESMERALDA)

Transferred to Court of Appeal, Second Appellate District, Division Three, after hold
The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S234515 E063650 Fourth Appellate District, Div. 2 **PEOPLE v. LAUER
(JONATHAN)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C.J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S234970 E063457 Fourth Appellate District, Div. 2 **PEOPLE v. GHOSTON
(TRIAS)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S234995 E063648 Fourth Appellate District, Div. 2 **PEOPLE v. HAWKINS (RYAN
JAMES)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S235041 C080099 Third Appellate District **PEOPLE v. JOHNSTON
(TONY DALE)**

Transferred to Court of Appeal, Third Appellate District, after hold
The matter is transferred to the Court of Appeal, Third Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S235134 E063632 Fourth Appellate District, Div. 2 **PEOPLE v. YOUNG (ISAAC
JERRY)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S235394 B265313 Second Appellate District, Div. 3 **PEOPLE v. PRECIADO
(ANTHONY AGUILAR)**

Transferred to Court of Appeal, Second Appellate District, Division Three, after hold
The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, for

reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S235603 D067313 Fourth Appellate District, Div. 1 **PEOPLE v. OROZCO
(ERNEST)**

Transferred to Court of Appeal, Fourth Appellate District, Division One, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S235909 E064118 Fourth Appellate District, Div. 2 **PEOPLE v. PULS (ROBERT
WAYNE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236160 H042402 Sixth Appellate District **PEOPLE v. JUAREZ
(GUZMARO AMBRIZ)**

Transferred to Court of Appeal, Sixth Appellate District, after hold
The matter is transferred to the Court of Appeal, Sixth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236362 H042040 Sixth Appellate District **PEOPLE v. GONZALES
(FRANK ALEX)**

Transferred to Court of Appeal, Sixth Appellate District, after hold
The matter is transferred to the Court of Appeal, Sixth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236678 A145179/A145793 First Appellate District, Div. 4 **PEOPLE v. KIRKLAND
(CRAIG WAYNE)**

Transferred to Court of Appeal, First Appellate District, Division Four, after hold
The matter is transferred to the Court of Appeal, First Appellate District, Division Four, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237370 B267657 Second Appellate District, Div. 2 **PEOPLE v. McNAIR
(LAVANCE)**

Transferred to Court of Appeal, Second Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Second Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237587 C080123 Third Appellate District **PEOPLE v. HUBERT (KEVIN
LLOYD)**

Transferred to Court of Appeal, Third Appellate District, after hold
The matter is transferred to the Court of Appeal, Third Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237592 E064842 Fourth Appellate District, Div. 2 **PEOPLE v. RAMOS (ROBERT
DIAZ)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237768 B260586 Second Appellate District, Div. 3 **PEOPLE v. SMITH
(WILLIAM H.)**

Transferred to Court of Appeal, Second Appellate District, Division Three, after hold
The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237940 E064119 Fourth Appellate District, Div. 2 **PEOPLE v. PIFER (BRIAN
ANDREW)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237975 F071531 Fifth Appellate District **PEOPLE v. SAUCEDA (JUAN
ANTONIO)**

Transferred to Court of Appeal, Fifth Appellate District, after hold
The matter is transferred to the Court of Appeal, Fifth Appellate District, for reconsideration in

light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237998 F071149 Fifth Appellate District

**PEOPLE v. MORENO
(RAYMOND)**

Transferred to Court of Appeal, Fifth Appellate District, after hold

The matter is transferred to the Court of Appeal, Fifth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S238316 F071034 Fifth Appellate District

**PEOPLE v. WILSON
(CHRISTOPHER ALAN)**

Transferred to Court of Appeal, Fifth Appellate District, after hold

The matter is transferred to the Court of Appeal, Fifth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S238839 E064610 Fourth Appellate District, Div. 2

**PEOPLE v. MILLS (DWAYNE
KEVIN)**

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

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S239002 B268707 Second Appellate District, Div. 6

**PEOPLE v. FELIX (ANDREW
SEAN ASHLEY)**

Transferred to Court of Appeal, Second Appellate District, Division Six, after hold

The matter is transferred to the Court of Appeal, Second Appellate District, Division Six, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S239804 C078122 Third Appellate District

**ELLIOTT HOMES, INC. v.
S.C. (HICKS)**

Dismissed and remanded to Court of Appeal, Third Appellate District

Review in the above-captioned matter is dismissed in light of this court's decision in *McMillin Albany LLC v. Superior Court* (2018) 4 Cal.5th 241. (Cal. Rules of Court, rule 8.528(b).)

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S241069 E065589 Fourth Appellate District, Div. 2 **PEOPLE v. VAUGHN (MARK AARON)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S241116 E065398 Fourth Appellate District, Div. 2 **PEOPLE v. RICHARDS (MATTHEW CHRIS)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S241154 E065891 Fourth Appellate District, Div. 2 **PEOPLE v. MAHONEY (SEAN PATRICK)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S241680 H043450 Sixth Appellate District **PEOPLE v. RIOS (CESAR MARCOS)**

Transferred to Court of Appeal, Sixth Appellate District, after hold
The matter is transferred to the Court of Appeal, Sixth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S242315 H043415 Sixth Appellate District **PEOPLE v. REES (MORGAN RAMSEY)**

Transferred to Court of Appeal, Sixth Appellate District, after hold
The matter is transferred to the Court of Appeal, Sixth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S242568 C075611 Third Appellate District **GILLOTTI (ANN E.) v. STEWART (EUGENE W.)**

Dismissed and remanded to Court of Appeal, Third Appellate District
Review in the above-captioned matter is dismissed in light of this court's decision in *McMillin*

Albany LLC v. Superior Court (2018) 4 Cal.5th 241. (Cal. Rules of Court, rule 8.528(b).)
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S242994 B271171 Second Appellate District, Div. 2 **PEOPLE v. JURADO
(RICHARD)**

Transferred to Court of Appeal, Second Appellate District, Division Two, after hold
The matter is transferred to the Court of Appeal, Second Appellate District, Division Two, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S243757 F071852 Fifth Appellate District **PEOPLE v. RAGSDALE
(NATALIE NICOLE)**

Transferred to Court of Appeal, Fifth Appellate District, after hold
The matter is transferred to the Court of Appeal, Fifth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S244466 H043965 Sixth Appellate District **PEOPLE v. PEREZ (LAUREN)**
Transferred to Court of Appeal, Sixth Appellate District, after hold
The matter is transferred to the Court of Appeal, Sixth Appellate District, for reconsideration in light of *People v. Page* (2017) 3 Cal.5th 1175.
Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S246121 H041569 Sixth Appellate District **CHOI (NELSON) v.
SAGEMARK CONSULTING;
AMERICAN GENERAL LIFE
INSURANCE COMPANY**

Petition for review denied
Corrigan, J., was recused and did not participate.

S246264 B276313 Second Appellate District, Div. 5 **PEOPLE v. HERNANDEZ
(GERMAN)**
Petition for review denied

S246329 E066367 Fourth Appellate District, Div. 2

Petition for review & depublication request(s) denied

**CREED-21 v. CITY OF
WILDOMAR (WAL-MART
REAL ESTATE BUSINESS
TRUST)**

S246343 G053338 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. THONGPHUN
(LAE THONG)**

S246347 C077151 Third Appellate District

Petition for review denied

**PEOPLE v. HAYES, JR.,
(BLUFFORD)**

S246360 A148797 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. WILLIAMS
(RODNEY ONEIL)**

S246430 B271847 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MORRIS, JR.,
(DARRELL)**

S246453 D071480 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SOLOMON
(WALTER)**

S246460 D072250 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ESCOBAR
(FELIX)**

S246462 B281694/B283476 Second Appellate District, Div. 1 **ITV GURNEY HOLDING INC.
v. GURNEY (SCOTT)**

Petition for review denied

S246463 E069493 Fourth Appellate District, Div. 2

Petition for review & application for stay denied

**CHINO VALLEY UNIFIED
SCHOOL DISTRICT v. S.C.
(TIGHE)**

S246473 D072618 Fourth Appellate District, Div. 1
Petitions for review denied

PEOPLE v. OLVERA (DAVID)

S246494 C074070 Third Appellate District

Petition for review denied

**PEOPLE v. SUGGS (AARON
LAMAR)**

S246495 A146341 First Appellate District, Div. 5
Petition for review denied

PEOPLE v. SANCHEZ (IVAN)

S246501 C073807 Third Appellate District

Petition for review denied

**PEOPLE v. GRAZIOLI
(JOSEPH LOUIS)**

S246503 C082268 Third Appellate District

Petition for review denied

**PEOPLE v. HEWITT (LORI
MARIE)**

S246520 A153060 First Appellate District, Div. 1

Petition for review denied

**MERRITT (SANDRA SUSAN)
v. S.C. (PEOPLE)**

S246523 B281550 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. WIMBERLY
(CRAIG)**

S246525 A152952 First Appellate District, Div. 1

Petition for review denied

**WASHINGTON (ANTOINE) v.
S.C. (PEOPLE)**

S246531 E067000 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. LUCERO (JESUS MANUEL)

S246534 A149253 First Appellate District, Div. 3

Petition for review denied

PEOPLE v. STEVENSON (CHARLES)

S246538 E066059 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. RACE (TIMOTHY RUEBEN)

S246539 B278597 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. BAUTISTA (CHRYSTIAN M.)

S246573 B279557 Second Appellate District, Div. 1

Petition for review denied

PEOPLE v. RODRIGUEZ, JR., (ROGELIO)

S246574 A147708/A149297 First Appellate District, Div. 5

Petition for review denied

PEOPLE v. TZENG (PATRICK FOO)

S246616 C081998 Third Appellate District

Petition for review denied

PEOPLE v. BOTTENFIELD (MICHAEL DALE)

S246623 E063730 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. HAYES (MICHAEL J.)

S246630 B276787 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. FINLEY (LISA)

S246680 H043844 Sixth Appellate District

Petition for review denied

**PEOPLE v. FUENTES
(DANIEL)**

S246685 B276050 Second Appellate District, Div. 2

Petition for review denied

**JENSEN (PEACHES NONG) v.
CHARON SOLUTIONS, INC.**

S246715 H044755 Sixth Appellate District

Petition for review denied

FUENTES (DANIEL) ON H.C.

S246733 F071466 Fifth Appellate District

Petition for review denied

**ROBINSON (JACKIE) ON
H.C.**

S246738

Petition for writ of mandate/prohibition denied

**THOLMER (LIONELL
ERNEST) v. S.C. (PEOPLE)**

S246742 C082934 Third Appellate District

Petition for review denied

**YUBA CITY UNIFIED
SCHOOL DISTRICT v.
CALIFORNIA STATE
TEACHERS' RETIREMENT
SYSTEM**

S246779 B287077 Second Appellate District, Div. 3

Petition for review denied

**BARNES (RONNIE) v.
WORKERS'
COMPENSATION APPEALS
BOARD & EMPLOYMENT
DEVELOPMENT
DEPARTMENT**

S246799 D070802 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ROBERTS
(ANTWAREN LAMONTE)**

S246854 D071435 Fourth Appellate District, Div. 1 **PEOPLE v. JIMENEZ (JOHN EDWARD)**

Petition for review denied

S246856 B279421 Second Appellate District, Div. 5 **PEOPLE v. CHANDLER (KAYLEN)**

Petition for review denied

S246868 G055883 Fourth Appellate District, Div. 3 **SHUMATE (BRANDEN EDWARD) v. S.C. (PEOPLE)**

Petition for review & application for stay denied

Petitioner's Motion to Strike Real Party in Interest's Non-Conforming Answer is denied.

S246885 B281836 Second Appellate District, Div. 6 **IN RE R.P.**

Petition for review denied

S246886 B287349 Second Appellate District, Div. 1 **WELSH (STEVEN ARLIC) ON H.C.**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Butler on Habeas Corpus*, S237014.

S246915 F076830 Fifth Appellate District **TROXELL (DANNY) ON H.C.**

Petition for review denied

S246918 D073315 Fourth Appellate District, Div. 1 **PHELPS (MARK RAYMOND) ON H.C.**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Butler on Habeas Corpus*, S237014.

S246921 H043911 Sixth Appellate District **CHAUDHARY (KAILASH CHANDRA) v. GUPTA (GIRDHARI S.)**

Petition for review denied

S246938	B287665 Second Appellate District, Div. 3	GARAU (CARLOS) v. S.C. (BRECKENRIDGE PROPERTY FUND 2016, LLC)
Petition for review denied The request for judicial notice filed on February 14, 2018, is denied.		
S246943	B287580 Second Appellate District, Div. 2	STEVENSON (STEVIE J.) v. S.C. (PEOPLE)
Petition for review denied		
S246967		DIAZ (DONIVAN) v. S.C. (PEOPLE)
Petition for writ of mandate/prohibition denied		
S246969	F071855 Fifth Appellate District	PEOPLE v. NAVARETTE (SOLOMON)
Petitions for review denied		
S246970	A150114 First Appellate District, Div. 5	PEOPLE v. HUGHEY (DAMON)
Petition for review denied		
S246971	B279922 Second Appellate District, Div. 5	PEOPLE v. HERNANDEZ (LUIS)
Petition for review denied		
S246972	B275905 Second Appellate District, Div. 8	PEOPLE v. CASTRO, JR., (ARTURO)
Petition for review denied		
S246977	G052288 Fourth Appellate District, Div. 3	HETMAN (WAYNE T.) v. HARM (JAMES MICHAEL)
Petition for review denied		

S246978 F073671 Fifth Appellate District

Petition for review denied

**PEOPLE v. JENSEN
(MARTHA NICHOLE)**

S246987 A150008 First Appellate District, Div. 2

Petition for review denied

**THOMAS DEE
ENGINEERING CO., INC. v.
KHTIKIAN (WARREN KENT)**

S246989 E065493 Fourth Appellate District, Div. 2

Petition for review denied

**DEHORNEY (DEATRA) v.
DEUTSCHE BANK
NATIONAL TRUST
COMPANY ETC.**

S246991 E067152 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BECKETT
(MATHEW HAYES)**

S246997 B271905 Second Appellate District, Div. 3

Petition for review denied

**NOVIAN & NOVIAN, LLP v.
TARAR (CHINGEZ)**

S247000

Petition for review denied

**DOLZHENKO (ZINA) v.
DARR (DEAN)**

S247008 F073129 Fifth Appellate District

Petition for review denied

**PEOPLE v. RAY (TIMOTHY
ALAN)**

S247015 B282942 Second Appellate District, Div. 8

Petition for review denied

**UNITED GRAND
CORPORATION v. MALIBU
HILLBILLIES, LLC**

S247016 G054268 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. DEGANTE
(JESSE)**

S247025 B287611 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. McNAMARA
(GREGG)**

S247030 G053998 Fourth Appellate District, Div. 3

Petition for review denied

**STIRLING (DWIGHT D.) v.
BROWN, JR., (EDMUND G.)**

S247038 F072054 Fifth Appellate District

Petition for review denied

PEOPLE v. SERRATO (JOEL)

S247040 G055919 Fourth Appellate District, Div. 3

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Butler on Habeas Corpus*, S237014.

**WOODS (ROBERT
STANLEY) ON H.C.**

S247045 H044222 Sixth Appellate District

Petition for review denied

**PEOPLE v. SCHMIDT
(LONNIE GLENN)**

S247052 E066778 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. DE LA CORTE
(MONIQUE)**

S247056 A146054 First Appellate District, Div. 1

Petition for review denied

PEOPLE v. AUNKO (NEIL)

S247066 B287059 Second Appellate District, Div. 2

Petition for review denied

**STEVENSON (STEVIE J.) v.
S.C. (PEOPLE)**

S247069 A147980 First Appellate District, Div. 4

Petition for review denied

PEOPLE v. HUFFMAN (JOHN EDWARD)

S247099 G052336 Fourth Appellate District, Div. 3

Petition for review denied

HARM (JAMES MICHAEL) v. HETMAN (WAYNE T.)

S247145 G054796 Fourth Appellate District, Div. 3

Application to transfer denied

The petition to transfer the cause *Estate of Marsh*, G054796, currently pending before the Fourth Appellate District, Division Three, to this court for decision is denied.

MARSH (MONROE F.), ESTATE OF

S247211 F076960 Fifth Appellate District

Petition for review & application for stay denied

SWILLIS (SHANNON LEVAR) v. S.C. (SWILLIS)

S243241

Petition for writ of habeas corpus denied
The request for judicial notice is granted.

JOHNSON (SUZANNE KATHRYN) ON H.C.

S245546

Petition for writ of habeas corpus denied

WALKER (JOHNATHAN) ON H.C.

S245711

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767–769 [courts will not entertain habeas corpus claims that are successive].)

MENDOZA (JOHN G.) ON H.C.

S245957

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th

PATTERSON (BRYAN DAMON) ON H.C.

750, 767–769 [courts will not entertain habeas corpus claims that are successive].) Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal].)

S246029**MARQUEZ (JUAN CARLOS)
ON H.C.**

Petition for writ of habeas corpus denied

S246045**BURTON (JOSHUA) ON H.C.**

Petition for writ of habeas corpus denied

S246048**HARRISON (CARL F.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767–769 [courts will not entertain habeas corpus claims that are successive].) Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

S246215**CANDELARIA (JEAN C.) ON
H.C.**

Petition for writ of habeas corpus denied

S246217**CARO (RICHARD JOHN) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].)

S246223**CLARK (MELVIN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767–769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S246224**SANCHEZ, JR., (FRANCISCO
ALEXANDER) ON H.C.**

Petition for writ of habeas corpus denied

S246225**ALVAREZ (RAFAEL
GARCIA) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

S246259**JOHNSON, SR., (SHAUNTE
LAMONT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence].)

S246261**PHUONG (THANKSNIEKY)
ON H.C.**

Petition for writ of habeas corpus denied

S246268**CHADWICK, JR., (ALFRED
CLARENCE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767–769 [courts will not entertain habeas corpus claims that are successive].)

S246269**URIBE (CESAR) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

S246271**TATE, SR., (LIONEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767–769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller*

(1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S246272

**GILLEY (JASON ROSS) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S246298

**GRANDBERRY (DWIGHT)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767–769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S246362

DIAZ (DONIVAN) ON H.C.

Petition for writ of habeas corpus denied

S246371

**HAMPTON (MAURICE) ON
H.C.**

Petition for writ of habeas corpus denied

S246383

**GRIGSBY (JONATHAN) ON
H.C.**

Petition for writ of habeas corpus denied

S246384

**BATCHELOR, JR., (JAMES
W.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767–769 [courts will not entertain habeas corpus claims that are successive].)

S185447

**ROLDAN (RICARDO) ON
H.C.**

Order: (dispositive)

On the court's own motion, this matter is transferred to the Superior Court of California, County

of Los Angeles, for adjudication of the claim set forth in this court's June 29, 2016, order to show cause: "why the relief prayed for should not be granted on the ground that, as alleged in Claim Three of the petition for a writ of habeas corpus, Juror D.H. concealed on pretrial voir dire that she was acquainted with the prosecutor and had previously worked with him. (See *In re Hitchings* (1993) 6 Cal.4th 97, 111 ["A juror who conceals relevant facts or gives false answers during the voir dire examination . . . undermines the jury selection process and commits misconduct."]); *In re Wallace* (1944) 24 Cal.2d 933, 938 ["A prospective juror would hardly commit perjury to conceal his relationship with one of the prosecutors if he were not prejudiced."].)" Accordingly, this court's June 21, 2017, order directing that a reference hearing be conducted is vacated.

Claim Twenty-Eight is denied on the merits, except to the extent it raises a challenge to the method of execution, which is denied as premature and without prejudice to its renewal after an execution date is set.

Except for Claims Three and Twenty-Eight, all claims are denied as untimely. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; see also *In re Reno* (2012) 55 Cal.4th 428, 443, 459–476.)

Claims One, Two, Six, Seven, Nine through Nineteen, and Twenty-One through Twenty-Seven, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225, to the extent they were raised and rejected on appeal. (See also *In re Reno, supra*, 55 Cal.4th at pp. 476–478.)

Claim Twenty-Nine (including all contentions listed on page 365 of the petition), except to the extent it alleges ineffective assistance of counsel, is procedurally barred under *In re Dixon* (1953) 41 Cal.2d 756, 759, to the extent it could have been raised on appeal but was not. (See also *In re Reno, supra*, 55 Cal.4th at pp. 490–491.)

Claims Four, Five, Eight, Nine, Twenty, and Twenty-Seven, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Miller* (1941) 17 Cal.2d 734, 735, to the extent they were raised and rejected in connection with petitioner's first petition for a writ of habeas corpus (*In re Roldan*, S115143). (See also *In re Reno, supra*, 55 Cal.4th at pp. 496–497.)

Claims Five and Eight, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Clark* (1993) 5 Cal.4th 750, 767–768, to the extent they could have been raised in connection with petitioner's first petition for a writ of habeas corpus (*In re Roldan*, S115143) but were not. (See also *In re Reno, supra*, 55 Cal.4th at pp. 501–505.)

This court retains jurisdiction over all matters concerning the appointment of counsel for petitioner.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S246686

D071560 Fourth Appellate District, Div. 1

**PEOPLE v. SANDOVAL
(MARCO ANTONIO)**

Depublication ordered (case closed)

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed November 30, 2017, and modified December 28, 2017, which appears at 17 Cal.App.4th 1185, mod. 18 Cal.App.5th 897a. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(1).) The court declines to order review on its own motion. This

matter is now final.

S247006 E068243 Fourth Appellate District, Div. 2 **IN RE K.K.**
Publication request denied (case closed)

S247010 **ATLANTIC 2, LLC v. JUAREZ**
(FAUSTINA)
Publication request denied (case closed)

S247062 C078916 Third Appellate District **ROSSETTA (ANTOINETTE)**
v. CITIMORTGAGE, INC.
Depublication request denied (case closed)
The request for an order directing depublication of the opinion in the above-entitled appeal is denied. The court declines to review this matter on its own motion. The matter is now final.

S246243 B265901 Second Appellate District, Div. 5 **PEOPLE v. MUNOZ (JOSE L.)**
The time for granting or denying review in the above-entitled matter is hereby extended to April 20, 2018.

S244751 A142832 First Appellate District, Div. 4 **STOETZL (KURT) v. STATE**
OF CALIFORNIA,
DEPARTMENT OF HUMAN
RESOURCES
Extension of time granted
On application of respondents and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to May 18, 2018.

S244751 A142832 First Appellate District, Div. 4 **STOETZL (KURT) v. STATE**
OF CALIFORNIA,
DEPARTMENT OF HUMAN
RESOURCES
Extension of time granted
On application of appellants and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to May 18, 2018.

S165195**PEOPLE v. NAVARRO
(ANTHONY)**

Motion for access to sealed record granted

Respondent's "Motion for Access to Sealed Penal Code Section 987.9 Materials Filed in Case Number S165195," filed on January 25, 2018, is granted. The Clerk is directed to provide respondent copies of the materials filed in the record on appeal pursuant to Penal Code section 987.9, as follows: Volume I of I of the "Sealed and Confidential Clerk's Transcript of P.C. 987.9 Documents," pages 1–89.

Except as provided herein, these documents remain under seal and their use must be limited solely to the pending proceeding. (Pen. Code, § 987.9, subd. (d).)

S246826**ACCUSATION OF YEE**

Petition denied (accusation)

S246877**ACCUSATION OF ORTIZ**

Petition denied (accusation)

S246284**KAIGHN ON DISCIPLINE**

Petition for review denied; disbarred

The petition for review is denied.

The court orders that GREGORY RICHARD KAIGHN, State Bar Number 124049, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

GREGORY RICHARD KAIGHN must 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.