

**SUPREME COURT MINUTES
WEDNESDAY, MAY 24, 2017
SAN FRANCISCO, CALIFORNIA**

S225193 E060758 Fourth Appellate District, Div. 2 **PEOPLE v. PATTERSON
(RON DOUGLAS)**

Rehearing denied; opinion modified

THE COURT:

The opinion filed herein on March 27, 2017, appearing at 2 Cal.5th 885, is modified as follows: The first sentence of the second paragraph on page 901 is revised to read: “To establish that he was prejudiced by counsel’s alleged errors, Patterson must show ‘that a reasonable probability exists that, but for counsel’s incompetence, he would not have pled guilty’ (*Resendiz, supra*, 25 Cal.4th at p. 253) to the charge of possession of MDMA, which subjected him to mandatory deportation.”

This modification does not affect the judgment.

The petition for rehearing is denied.

S240712 C082426 Third Appellate District **PEOPLE v. SMITH
(MICHAEL LENOIR)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Chaney*, S223676, and *People v. Valencia*, S223825 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

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

S241066 B275606 Second Appellate District, Div. 4 **PEOPLE v. RENTERIA
(RONALD DAVE)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Valenzuela*, S232900 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

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

S241233 B266570 Second Appellate District, Div. 3**SEGOVIA (WENDY) v.
CHIPOTLE MEXICAN
GRILL, INC.; LOPEZ-
CARRILLO (ENRIQUE)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Hernandez v. Restoration Hardware, Inc.*, S233983 (see Cal. Rules of Court, rule 8.512 (d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

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

S241265 D070506 Fourth Appellate District, Div. 1**PEOPLE v. PENN (TYRONE)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *In re Ricardo P.*, S230923 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

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

S241326 A148098 First Appellate District, Div. 1**IN RE J.L.**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Page*, S230793 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

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

S241409 A150638 First Appellate District, Div. 4**PEOPLE v. S.C. (BOBBY JOE
B.)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Superior Court (Lara)*, S241231 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of this court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

The stays previously issued by this court in the matters of Rahsaan R., Contra Costa County Superior Court No. 023215068; Rex R., Contra Costa County Superior Court No. 051605542; and Joseph W., Contra Costa County Superior Court No. 051517259, are hereby dissolved.

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

S240603 B271433 Second Appellate District, Div. 8 **PEOPLE v. ORTEGA
(GILBERT)**

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

The petition for review is granted. The cause is transferred to the Court of Appeal, Second Appellate District, Division Eight, with directions to vacate its judgment and to reconsider in light of the suppression hearing testimony set out in the reporter's transcript at pages 10-44 and in light of the points made in the petition for review, particularly at pages 10 and 21 through 27.

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

S240967 B267552 Second Appellate District, Div. 1 **PEOPLE v. JAIME
(AQUALINA)**

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

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *People v. Romanowski* (2017) 2 Cal.5th 903 (Cal. Rules of Court, rule 8.528(d).)

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

S241363 F072337 Fifth Appellate District **PEOPLE v. SHRYOCK
(BONNIE JEAN)**

Petition for review granted; transferred to Court of Appeal, Fifth Appellate District

The petition for review is granted. The matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and reconsider in light of *People v. Gonzales* (2017) 2 Cal.5th 858. (Cal. Rules of Court, rule 8.528(d).)

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

S241669 A148508 First Appellate District, Div. 1 **FRIENDS OF OUTLET
CREEK v. MENDOCINO
COUNTY AIR QUALITY
MANAGEMENT DISTRICT
(GRIST CREEK
AGGREGATES, LLC)**

Review granted on the court's own motion; transferred to Court of Appeal, First 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, First Appellate District, Division One, for further proceedings.

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

S240443 B270653 Second Appellate District, Div. 5

**PEOPLE v. BICHARA
(ARMANDO)**

Petition for review denied; CA opinion decertified

The petition for review is denied. On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed January 30, 2017, which appears at 7 Cal.App.5th 1261. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)

S240445 A138474 First Appellate District, Div. 4

**PEOPLE v. LENA (MICHAEL
ANGELO)**

Petition for review denied

S240464 E063426 Fourth Appellate District, Div. 2

**PEOPLE v. GOMEZ (HUGO
DELGADO)**

Petition for review denied

S240662 F071858 Fifth Appellate District

**PEOPLE v. HAWKINS
(WESLEY ANDREW)**

Petition for review denied

S240668 A140253 First Appellate District, Div. 4

PEOPLE v. ROUSE (JOSEPH)

Petition for review denied

S240674 A145944 First Appellate District, Div. 5

**PEOPLE v. CORSIGLIA
(RODNEY EDWARD)**

Petition for review denied

S240729 A145313 First Appellate District, Div. 5

**PEOPLE v. FINLEY
(MICHAEL DWAYNE)**

Petition for review denied

S240770 B259727 Second Appellate District, Div. 3

**PEOPLE v. CERVANTES
(DANIEL)**

Petitions for review denied

S240777	B271280 Second Appellate District, Div. 5	CHESTRA (DAVID) ON H.C.
Petition for review denied		
S240787	E067010 Fourth Appellate District, Div. 2	PEOPLE v. S.C. (OWENS)
Petition for review denied		
S240819	E067427 Fourth Appellate District, Div. 2	BROWN (PATRICIA) v. S.C. (PEOPLE)
Petition for review denied		
S240821	B268523 Second Appellate District, Div. 7	PEOPLE v. LERMA (JOSE RAMON)
Petition for review denied		
S240836	C075415 Third Appellate District	PEOPLE v. NASH (NAPOLEON SOLO)
Petition for review denied		
S240860	A144351 First Appellate District, Div. 3	PEOPLE v. CUIRIZ (DEYANIRA)
Petition for review denied; CA opinion decertified		
The petition for review is denied.		
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed February 14, 2017, which appears at 8 Cal.App.5th 744. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)		
S240867		PEOPLE v. CARROLL (TREMAINE DEON)
Petition for review denied		
S240875	A143378 First Appellate District, Div. 2	PEOPLE v. CLARK (JON ERIC)
Petition for review denied		

S240877 H041651 Sixth Appellate District**PEOPLE v. PRESLEY
(ECCLESIASTES)**

Petition for review denied; CA opinion decertified

The petition for review is denied. On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed February 14, 2017, which appears at 8 Cal.App.5th 617. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(2).)

S240883**CRUZ (RICHARD) v. S.C.
(PEOPLE)**

Petition for writ of mandate/prohibition denied

The petition for writ of mandate is denied without prejudice to filing a renewed discovery motion under Penal Code section 1054.9 in the superior court after petitioner first attempts to obtain the requested discovery from trial counsel and, if unsuccessful, from the Riverside County District Attorney. (See Pen. Code, § 1054.9, subd. (a); *Barnett v. Superior Court* (2010) 50 Cal.4th 890, 898; *In re Steele* (2004) 32 Cal.4th 682, 692.)

S240886 E062102 Fourth Appellate District, Div. 2**PEOPLE v. LAMONTE
(DANIEL JORDAN)**

Petition for review denied

S240902 H043360 Sixth Appellate District**PEOPLE v. BLACK
(CHARLES BAXTER)**

Petition for review & depublication request(s) denied

S240915 B269789 Second Appellate District, Div. 4**PEOPLE v. FOSTER, JR.,
(WILLIE LEE)**

Petition for review denied

S240927 A147932 First Appellate District, Div. 5**ARGENTIERI (PAUL) v.
ZUCKERBERG (MARK
ELLIOT)**

Petition for review denied

S240941 E063620 Fourth Appellate District, Div. 2**PEOPLE v. MUNOZ
(ABRAHAM DIONICIO)**

Petition for review denied

S240942 C073001 Third Appellate District

Petition for review denied

**PEOPLE v. BAKER (TAURUS
AQUARIUS)**

S240955 C074791 Third Appellate District

Petition for review denied

**PEOPLE v. GOETHE
(ELIJAH)**

S240959 B271390 Second Appellate District, Div. 3

Petition for review denied

**VELAZQUEZ (ERNESTO
ROMERO) ON H.C.**

S240965 D069071 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ANDERSON
(JUSTIN ANTONIO)**

S240977 B269691 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. ARIAS, JR.,
(TOMAS)**

S241013 D069509 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. FAIRCLOTH
(BILLY R.)**

S241050 E063585 Fourth Appellate District, Div. 2

Petition for review denied

**LYNN (GAIL M.) v.
TATITLEK SUPPORT
SERVICES, INC.**

S241071 B261461 Second Appellate District, Div. 2

Petition for review & depublication request(s) denied

**GOLDEN DAY SCHOOLS,
INC. v. OFFICE OF
ADMINISTRATIVE
HEARINGS (CALIFORNIA
DEPARTMENT OF
EDUCATION)**

S241101 E064929 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CARPENTER
(MARCUS COLE)**

S241123 B281025 Second Appellate District, Div. 4

Petition for review denied

**INGRAM (CURTIS
CLIFFORD) v. S.C. (PEOPLE)**

S241132 D071906 Fourth Appellate District, Div. 1

Petition for review denied

**JOHNSON (LONNIE D.) ON
H.C.**

S241135 C072355/C073896 Third Appellate District

Petition for review denied

**PEOPLE v. LARA (ALBERTO
FRANCISCO ORTEGA)**

S241179 G054756 Fourth Appellate District, Div. 3

Petition for review denied

**NARULA (RIPDAMAN) v. S.C.
(PEOPLE)**

S241208 A149153 First Appellate District, Div. 3

Petition for review denied

Chin and Corrigan, JJ., are of the opinion the petition should be granted.

**WILSON (JAMES P.) v.
COUNTY OF NAPA**

S241209

Petition for writ of mandate/prohibition denied

**HAMILTON (PAUL C.) v.
COURT OF APPEAL, FIRST
APPELLATE DISTRICT,
DIVISION FOUR (PEOPLE)**

S241245 F070843 Fifth Appellate District

Petition for review denied

**PEOPLE v. STEPHENSON
(ALAN D.)**

S241247 E064326 Fourth Appellate District, Div. 2

Petition for review denied

**BETANCOURT (ROBERTO)
v. PRUDENTIAL OVERALL
SUPPLY**

S241259 F072851 Fifth Appellate District

Petition for review denied

**PEOPLE v. SNOW (CODY
MORGAN)**

S241263 F071046 Fifth Appellate District

Petition for review denied

**PEOPLE v. SALDANA
(DANNY PEREZ)**

S241299 F069906 Fifth Appellate District

Petition for review denied

**PEOPLE v. MAINE
(NATHANIEL)**

S241300 B267248 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. HARRIS
(MICHAEL EDWARD)**

S241301 A146478 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CORONADO
(CHRISTOPHER)**

S241304 B271292 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. COLEMAN
(HERBERT J.)**

S241308 G052413 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MARTINEZ (LUIS
ARTURO)**

S241313 B276222 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. BECKWITH
(ROBERT L.)**

S241327 C081901 Third Appellate District

Petition for review denied

PEOPLE v. JONES (JIMMY HOWARD)

S241328 B262760 Second Appellate District, Div. 7

Petition for review denied

PEOPLE v. HERNANDEZ (HECTOR MAX)

S241331 F070340 Fifth Appellate District

Petition for review denied

PEOPLE v. ANGUIANO (FEDERICO SANCHEZ)

S241332 D070143 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. HAAS (KEDRIN)

S241334 B263139 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. DOMINGUEZ (YAJAIRA)

S241337 C079132 Third Appellate District

Petition for review denied

PEOPLE v. WILLIAMS (VERNON RAY)

S241338 C075902 Third Appellate District

Petition for review denied

PEOPLE v. STRAWTHER (CHEMA KEOMIE)

S241339 E064234 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. MARQUEZ (JUAN CARLOS)

S241340 B264462 Second Appellate District, Div. 5

Petition for review denied

PEOPLE v. CHESTRA (DAVID WARREN)

S241344 C081195 Third Appellate District

Petition for review denied

**FRIENDS OF SPRING
STREET v. NEVADA CITY
(POE)**

S241347 B269994 Second Appellate District, Div. 2
Petition for review denied

PEOPLE v. HILARIO (YONY)

S241348 B276573 Second Appellate District, Div. 4
Petition for review denied

**PEOPLE v. GUSTAVE
(ANDRE)**

S241349 B265059 Second Appellate District, Div. 3
Petition for review denied

**PEOPLE v. VELASCO
(ARNOLD)**

S241356 A145536 First Appellate District, Div. 2
Petition for review denied

PEOPLE v. SMART (ALVIN)

S241360 C079725 Third Appellate District
Petition for review denied

**PEOPLE v. SHIELDS (PAUL
ANDREW)**

S241366 G052114 Fourth Appellate District, Div. 3
Petition for review denied

**PEOPLE v. ROMERO (JUAN
VALENTIN)**

S241373 A146168 First Appellate District, Div. 1
Petition for review denied

**MARIN COMMUNITY
ALLIANCE v. COUNTY OF
MARIN**

S241378 H041301 Sixth Appellate District
Petition for review denied

**PEOPLE v. WOODS
(TIMOTHY RICHARD)**

S241388	B281239 Second Appellate District, Div. 2	BROWN (FREDERICK) ON H.C.
Petition for review denied		
S241390	D071974 Fourth Appellate District, Div. 1	BASH (KENNETH W.) ON H.C.
Petition for review denied		
S241392	C079420 Third Appellate District	PEOPLE v. TAYLOR (TROY LEE)
Petition for review denied		
S241395	E064265 Fourth Appellate District, Div. 2	PEOPLE v. ALEMAN (MICHAEL ANTHONY)
Petition for review denied		
S241396	B280664 Second Appellate District, Div. 4	REYES (JULIO CESAR) v. S.C. (PEOPLE)
The petition for review is denied without prejudice to petitioner's ability to raise his claims on appeal.		
S241400	E064759 Fourth Appellate District, Div. 2	PEOPLE v. GUERRERO (DAVID)
Petition for review denied		
S241403	F071759 Fifth Appellate District	PEOPLE v. VALDOVINOS (LUCIANA)
Petition for review denied		
S241410	B271555 Second Appellate District, Div. 5	EFTEKHARI (MITRA) v. FARD (HOURIEH)
Petition for review denied		
S241411	B272147 Second Appellate District, Div. 4	PEOPLE v. LEONARD (MARKICE)
Petition for review denied		

S241413 H044092 Sixth Appellate District
Petition for review denied

S241416 F074143 Fifth Appellate District
Petition for review denied

S241417 F072229 Fifth Appellate District
Petition for review denied

S241418 F071845 Fifth Appellate District

Petition for review denied

S241419 F073366 Fifth Appellate District

Petition for review denied

S241420 D069839 Fourth Appellate District, Div. 1

Petition for review denied

S241428 E066898 Fourth Appellate District, Div. 2
Petition for review denied

S241567

Petition for writ of mandate/prohibition denied

S241972

Petition for writ of certiorari & application for stay denied

SENA (RICHARD) ON H.C.

IN RE HANNAH D.

PEOPLE v. DELGADO (ERIC)

**PEOPLE v. EVERSOLE
(ROBERT VINCENT)**

**PEOPLE v. HUMPHREY
(JEROME L.)**

**PEOPLE v. HASSETT
(ROBIN)**

IN RE K.B.

**HOANG (HUNG-LINH) v.
COURT OF APPEAL,
FOURTH APPELLATE
DISTRICT, DIVISION THREE
(OFFICE OF THE
ATTORNEY GENERAL)**

**HASAN (MOHAMMAD
HAIDER AGHA) v. S.C.
(PEOPLE)**

S236332**SHAPUTIS (RICHARD LEE)
ON H.C.**

Petition for writ of habeas corpus denied

S236414**PERKINS (ANTRON) ON H.C.**

Petition for writ of habeas corpus denied

S238083**HARBOR (TRAVYON C.) ON
H.C.**

Petition for writ of habeas corpus denied

S238953**GARCIA (VICENTE) ON H.C.**

Petition for writ of habeas corpus denied

S239584**TOM (CHRISTOPHER) ON
H.C.**

Petition for writ of habeas corpus denied

S239945**McNEIL (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

S240673**THOMAS (BRYANT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S240690**NGO (KY TONY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S240717**SANDERS (KEVIN) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *Butler on Habeas Corpus*, S237014.

S240728**BAGSBY (JASPER LEE) ON
H.C.**

Petition for writ of habeas corpus denied

S240730**RHODES (BERNARD) ON
H.C.**

Petition for writ of habeas corpus denied

S240735**PRICE (ASHLEY LUTHER
MURRAY) ON H.C.**

Petition for writ of habeas corpus denied

S240783**GUMISIRIZA (JACKSON) ON
H.C.**

Petition for writ of habeas corpus denied

S240786**MACK (ANTHONY E.) ON
H.C.**The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)**S240801****RILEY (STEVEN E.) ON H.C.**The petition for writ of habeas corpus is denied. (See *People v. Villa* (2009) 45 Cal.4th 1063, 1069-1070.)**S240806****BELL (RONNIE O'NEIL) ON
H.C.**

Petition for writ of habeas corpus denied

S240868**MAAS (MICHAEL EUGENE)
ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S240870**MARVIN (JONATHAN
CARROLL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S240889**DO (VAN) ON H.C.**

Petition for writ of habeas corpus denied

S240971**WALLACE (GEORGE) ON
H.C.**

Petition for writ of habeas corpus denied

S241005**RUBIO (ALFONSO GARCIA)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S241006**MONTES (JESSE JAMES) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S241007**CLAIBORNE (DENNIS
GERALD) ON H.C.**

The petition for writ of habeas corpus is denied as premature. (See Calif. Code of Regs., tit. 15, §§ 3491(a), 3491(e), and 3492(f).)

S241011**CLARK (WILLIE RAY) ON
H.C.**

Petition for writ of habeas corpus denied

S241019**VINYARD (JOSHUA R.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S241020**BROOKS (HAROLD B.) ON
H.C.**

Petition for writ of habeas corpus denied

S240698 D070469 Fourth Appellate District, Div. 1**FERNANDES (YVONNE) &
PURGANAN (PHILEMON),
MARRIAGE OF**

Publication request denied (case closed)

S240768 B267052 Second Appellate District, Div. 1**YU (HELEN) v. BROADWAY
HOLLYWOOD
HOMEOWNERS
ASSOCIATION**

Publication request denied (case closed)

S240842 B269290 Second Appellate District, Div. 3**IN RE ARIANA D.**

Publication request denied (case closed)

S241200 B266408 Second Appellate District, Div. 4**McGINTY (PATRICK &
AMANDA), MARRIAGE OF**

Publication request denied (case closed)

S241284 B275802 Second Appellate District, Div. 1**KIDANE (AWET) v. CHIU
(JOHN C.)/(KIRCHMEYER)**

Publication request denied (case closed)

S241600 A131975 First Appellate District, Div. 5**JOHNSON (BILLY S.) v.
ARVINMERITOR 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.

S065877**PEOPLE v. LOPEZ (BOBBY),
SERNA (HERMINIO) &
TRUJEQUE (JAMES)**

Application to file over-length brief granted

Good cause appearing, appellant James Trujeque's "Application for Permission to File Oversized Appellant's Opening Brief," filed May 22, 2017, is granted. Appellant James Trujeque's opening brief must not exceed 120,000 words.

S195973**BIVERT (KENNETH RAY)
ON H.C.**

Extension of time 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 1, 2017, counsel's request for an extension of time in which to file that document is granted to July 25, 2017. After that date, only one further extension totaling about 37 additional days is contemplated.

S217150**COOK (JOSEPH LLOYD) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Susel B. Carrillo-Orellana's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by August 24, 2017, counsel's request for an extension of time in which to file that document is granted to July 25, 2017. After that date, only one further extension totaling about 30 additional days is contemplated.

S235415**KENNEDY (JERRY NOBLE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Assistant Federal Defender Kelly L. Culshaw's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 27, 2017, counsel's request for an extension of time in which to file that document is granted to July 31, 2017. After that date, only one further extension totaling about 60 additional days is contemplated.

S235903 A142858/A143428 First Appellate District, Div. 1**UNITED EDUCATORS OF
SAN FRANCISCO AFT/CFT,
AFL-CIO, NEA/CTA v.
CALIFORNIA
UNEMPLOYMENT**

**INSURANCE APPEALS
BOARD (SAN FRANCISCO
UNIFIED SCHOOL
DISTRICT)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answers of all parties to the amicus curiae briefs is extended to June 8, 2017.

S239907 D068657 Fourth Appellate District, Div. 1 **SAN DIEGO, COUNTY OF v.
COMMISSION ON STATE
MANDATES**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to June 29, 2017.

S240397 C077056 Third Appellate District **IN RE J.G.**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S227106 B259392 Second Appellate District, Div. 3 **AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
SOUTHERN CALIFORNIA v.
S.C. (CITY OF LOS
ANGELES)**

Order filed

The request of counsel for real parties in interest in the above-referenced cause to allow two counsel to argue on behalf of real parties in interest at oral argument is hereby granted.

The request of real parties in interest to allocate to James C. Jardin 15 minutes and Heather L. Aubry 15 minutes of real parties in interest's 30-minute allotted time for oral argument is granted.

S228277 B244841 Second Appellate District, Div. 3 **PARRISH (WILLIAM) v.
LATHAM & WATKINS, LLP**

Order filed

The request of counsel for appellants in the above-referenced cause to allow two counsel to argue on behalf of appellants at oral argument is hereby granted.

The request of appellants to allocate to Stuart B. Esner 15 minutes and Michael J. Avenatti 15

minutes of appellants' 30-minute allotted time for oral argument is granted.

S234269 D066722 Fourth Appellate District, Div. 1 **RUBENSTEIN (LATRICE) v. DOE NO. 1**

Order filed

The request of respondent to allocate to amici curiae Northern California Regional Liability Excess Fund et al. 10 minutes of respondent's 30-minute allotted time for oral argument is granted.

S238309 **BRIGGS (RON) v. BROWN, JR., (EDMUND G.); CALIFORNIANS TO MEND, NOT TO END THE DEATH PENALTY**

Order filed

The request of counsel for respondents in the above-referenced cause to allow two counsel to argue on behalf of respondents at oral argument is hereby granted.

The request of respondents to allocate to Jose A. Zelidon-Zepeda 20 minutes and Kent S. Scheidegger 10 minutes of respondents' 30-minute allotted time for oral argument is granted.

S240328 **VAUGHN (HENRY KEITH) ON H.C.**

Order filed

Petitioner's "Motion for Leave to File Second Petition for Writ of Habeas Corpus and Exhibits Under Seal," filed on March 1, 2017, is granted in part, denied in part, and denied in part without prejudice.

The motion to file under seal Exhibit D and Exhibit J is granted. (Cal. Rules of Court, rule 8.46(b).)

The motion to file under seal Exhibits E, F, G, H, I, K, L, M, O, T, U, and V is denied. (Cal. Rules of Court, rules 2.550, 2.551, and 8.46.)

The motion to file under seal Exhibit S is granted only as to pages 00390-00407 that contain records as to which the Court has granted the motion to file those records under seal as Exhibits D and J, and is otherwise denied without prejudice.

The motion to file the "Unredacted Second Petition for Writ of Habeas Corpus" under seal is denied without prejudice.

The "Redacted Second Petition for Writ of Habeas Corpus," and Volumes II through XI of the "Exhibits in Support of Second Petition for Writ of Habeas Corpus," lodged conditionally under seal on March 1, 2017, include redactions and exhibits as to which the motion to seal has been denied. Volume II of the "Exhibits in Support of Second Petition for Writ of Habeas Corpus," contains, inter alia, Exhibits D and J, as to which the motion to seal has been granted. Volume III of the "Exhibits in Support of Second Petition for Writ of Habeas Corpus," contains, inter alia,

pages 00390 through 00407 of Exhibit S, as to which the motion to seal has been granted. The Clerk is therefore directed to return to petitioner's counsel the "Redacted Second Petition for Writ of Habeas Corpus," Volumes II through XI of the "Exhibits in Support of Second Petition for Writ of Habeas Corpus," and the "Unredacted Second Petition for Writ of Habeas Corpus." Within 21 days of this order, and consistent with this order, petitioner must file a renewed motion to file an unredacted petition for writ of habeas corpus and exhibits under seal, and must submit a revised redacted version of the petition for writ of habeas corpus and revised public and non-public volumes of the exhibits, including revised redacted versions of Volume II of the exhibits, and of Exhibit S. If petitioner does not want exhibits as to which the Court has denied the motion to seal to be publicly filed, he should remove those exhibits, and references to those exhibits, when he files his renewed motion to seal. (See Cal. Rules of Court, rule 8.46(d)(7.)) If the Court grants the renewed motion to seal, the petition for writ of habeas corpus and exhibits will be filed nunc pro tunc to March 1, 2017.

S241666**WATERS (MICHAEL LYNN)
v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

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

S241690**SERMENO (LARRY A.) v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION
(SHERMAN)**

Transferred to Court of Appeal, Fifth Appellate District

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

S241818**SERMENO (LARRY A.) v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION
(SHERMAN)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of

Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S241821

**SERMENO (LARRY A.) v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION
(SHERMAN)**

Transferred to Court of Appeal, Fifth Appellate District

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

S241822

**SERMENO (LARRY A.) v.
CALIFORNIA DEPARTMENT
OF CORRECTION &
REHABILITATION
(SHERMAN)**

Transferred to Court of Appeal, Fifth Appellate District

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

S241831

**SERMENO (LARRY A.) v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION
(SHERMAN)**

Transferred to Court of Appeal, Fifth Appellate District

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

S239690**FUJII ON ADMISSION****ADMIN. 2017-05-17**

Special Bar admission ordered

Before this court is a motion from the Little Tokyo Historical Society and the Japanese American Bar Association seeking admission to the State Bar of California for Sei Fujii, a Californian who died in 1954. Fujii was born in Japan and immigrated to the United States in 1903. Eight years later, he graduated with a law degree from the University of Southern California. The materials before us contain no indication that Fujii took or passed a bar exam or that he applied for admission to the California bar. But such acts by Fujii would have been futile in light of our decision in *In re Hong Yen Chang* (1890) 84 Cal. 163. Federal law at the time limited naturalization solely to “ ‘free white persons’ ” and “persons of African descent.” (*Ozawa v. United States* (1922) 260 U.S. 178, 180.) At the same time, California and most other states prohibited foreign-born persons from practicing law unless they were eligible for citizenship. (*Raffaelli v. Committee of Bar Examiners* (1972) 7 Cal.3d 288, 291.) This court upheld that restriction in *In re Hong Yen Chang* and later suggested that noncitizens were too untrustworthy to practice law. (*Large v. The State Bar* (1933) 218 Cal. 334, 335 [“ ‘it is difficult to conceive how a professional advocate, owing foreign allegiance and cherishing alien prejudices, can usefully vindicate principles in the abhorrence of which he may have been nurtured; how, on many important occasions, the most brilliant forensic talents can be successfully exerted, unless they are sustained and inspired by an ardent patriotism’ ”].) This pair of interlocking federal and state restrictions — each “the lingering vestige of a xenophobic attitude” (*Raffaelli*, at p. 291) — combined to form an insurmountable barrier against persons born in Asia who wished to practice law in California. Once federal law changed in 1952 to remove race requirements for naturalization, Fujii became a citizen, at age 73. He died of a heart attack just 51 days later. Though Fujii both graduated from law school and made his career in California, throughout his entire professional life he was barred from obtaining a license to practice law in the state. This was an injustice that we repudiate today by granting Fujii honorary posthumous membership in the State Bar of California.

Despite his unjust exclusion from the legal profession, Fujii undertook extraordinary efforts to apply his education and talents to advancing the rule of law in California. Fujii partnered with a classmate from his law school to assert the rights of Japanese immigrants in the Los Angeles area. The pair’s accomplishments included an early challenge to the Alien Land Law of 1913. That California statute, enacted two years after Fujii finished law school, barred aliens who were “ineligible for citizenship” from owning land in the state. Though the legislation did not single out any particular ethnic group, this court recognized early on that the “object sought to be attained by these statutory provisions” was “to discourage the coming of Japanese into this state.” (*Estate of Testubumi Yano* (1922) 188 Cal. 645, 658; see also Scheiber, *Constitutional Governance and Judicial Power: The History of the California Supreme Court* (2016) p. 183 [“Everyone at the time knew that aliens ‘ineligible for citizenship’ referred to Asian immigrants.”].)

Fujii is well known as the litigant whose case invalidated the Alien Land Law decades later. (See *Sei Fujii v. State of California* (1952) 38 Cal.2d 718, 725, 738 (*Fujii*).) But long before that landmark ruling, Fujii contributed to other challenges of the same statute that do not bear his name. One of these earlier efforts arose from a 1918 influenza epidemic, during which Japanese

doctors were barred from admitting their patients at hospitals. In response, five Japanese physicians formed a corporation to buy land for a new hospital that would serve the Japanese community. The state rejected their corporate filing. This court eventually ordered the state to accept the filing and the United States Supreme Court affirmed our ruling. (See *Jordan v. Tashiro* (1928) 278 U.S. 123 (*Tashiro*).) The ruling came just five years after the high court held in a series of cases that California had broad authority to prohibit aliens from owning or leasing agricultural land. (See *Porterfield v. Webb* (1923) 263 U.S. 225; *Frick v. Webb* (1923) 263 U.S. 326; *Webb v. O'Brien* (1923) 263 U.S. 313.)

Thirteen years after the *Tashiro* decision, Japan's military bombed Pearl Harbor. Fujii was among the more than one hundred thousand people of Japanese ancestry — most of them American citizens — who were sent to internment camps solely because of their national origin. Many of these families who were rounded up had been forced to leave behind land in California, and the state began to use the Alien Land Law to take that property. (See *Oyama v. California* (1948) 332 U.S. 633, 661-662, 662 [“Vigorous enforcement of the Alien Land Law has been but one of the cruel discriminatory actions which have marked this nation's treatment since 1941 of those residents who chanced to be of Japanese origin.”].) Indeed, though the Alien Land Law had been on the books since 1913, nearly all of the state's escheat actions against people of Japanese ancestry were instituted after 1942. (See *Oyama*, pp. 661-662 [noting that “[a]t least 79 escheat actions have been instituted by the state since the [Alien Land Law] became effective” and “[c]uriously enough, 59 of the 73 Japanese cases were begun by the state . . . during the period when the hysteria generated by World War II magnified the opportunities for effective anti-Japanese propaganda”].)

Soon after the war ended, Fujii — undaunted — led a new challenge to the Alien Land Law. In 1948, he defied the statute by buying a small undeveloped lot in Los Angeles. (See Scheiber, *Constitutional Governance and Judicial Power: The History of the California Supreme Court*, *supra*, at p. 275.) The state began an escheat action to confiscate the land. The case came to this court, and we held that the Alien Land Law violated the Fourteenth Amendment. (See *Fujii*, *supra*, 38 Cal.2d at p. 738.) Even though the statute never named any ethnic group, we held that “the real purpose of the legislation was the elimination of competition by alien Japanese in farming California land.” (*Id.* at p. 735.) Three justices dissented. Just two months later, Congress passed the Immigration and Nationality Act, also known as the McCarran-Walter Act. This law finally allowed persons of Japanese ancestry to naturalize, thus removing the legal obstacle to their joining the California bar. Fujii became a naturalized citizen over a half-century after his arrival in California and less than two months before his death. Two years later, California voters approved a measure that repealed the Alien Land Law. Fujii did not live to see his fellow Californians vote to undo the xenophobic statute he had spent decades challenging in court.

Despite being formally excluded from joining the ranks of the legal profession throughout his life, Fujii spent much of his career using the courts to advance the rule of law in California. We do not know what more Fujii might have accomplished had he been admitted to the bar, or what others in Fujii's position might have accomplished had our laws not wrongfully excluded or deterred them from becoming lawyers. Such discriminatory exclusion was not only “a blow to [those who] aspired to become a lawyer only to have their dream deferred on account of their race, alienage, or nationality,” but also “a loss to our communities and to society as a whole, which denied itself the

full talents of its people and the important benefits of a diverse legal profession.” (*In re Hong Yen Chang* (2015) 60 Cal.4th 1169, 1175.) Our *Fujii* opinion observed that “[t]he only disqualification urged against Sei Fujii is that of race.” (*Fujii, supra*, 38 Cal.2d at p. 733.) This statement rings with special relevance as we consider the motion presented on Fujii’s behalf. Fujii’s work in the face of prejudice and oppression embodies the highest traditions of those who work to make our society more just.

We hereby grant Sei Fujii honorary posthumous membership in the State Bar of California.

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

S240820

Petition denied

(accusation)

ACCUSATION OF YANEY**S241212**

Petition denied

(accusation)

ACCUSATION OF ELIEFF**S241341**

Petition denied

(accusation)

ACCUSATION OF BARRETT**S241414**

Petition denied

(accusation)

ACCUSATION OF ARIAS