

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 8, 2016
SAN FRANCISCO, CALIFORNIA**

S075136**PEOPLE v. COVARRUBIAS
(DANIEL SANCHEZ)**

Opinion filed: Judgment reversed

The judgment of death is reversed and the matter remanded for a new penalty determination and reconsideration of the question of a restitution fine under the currently applicable statute. If the People choose not to contest the question of restitution on remand, defendant's restitution fine shall be reduced to the statutory minimum. In all other respects, the judgment is affirmed.

Majority Opinion by Cantil-Sakauye, C. J.

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

S237087

D069050 Fourth Appellate District, Div. 1

**PEOPLE v. FUSTING
(MICHAEL EVAN)**

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

The time for ordering review on the court's own motion is hereby extended to November 8, 2016. (Cal. Rules of Court, rule 8.512(c).)

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

Extension of time granted

Good cause appearing, and based upon counsel Michael J. Hersek's representation that the traverse to the return to the order to show cause is anticipated to be filed by January 13, 2017, counsel's request for an extension of time in which to file that document is granted to November 14, 2016. After that date, only one further extension totaling about 59 additional days is contemplated.

S142694**WARD (CARMEN LEE) ON
H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the traverse to the return to the order to show cause is extended to November 14, 2016.

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

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Robin Kallman's representation that the appellant's opening brief is anticipated to be filed by May 5, 2017, counsel's request for an extension of time in which to file that brief is granted to November 14, 2016. After that date, only three further extensions totaling about 174 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).)

S169750**PEOPLE v. McGHEE (TIMOTHY JOSEPH)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Seth P. McCutcheon's representation that the respondent's brief is anticipated to be filed by November 11, 2016, counsel's request for an extension of time in which to file that brief is granted to November 14, 2016. 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).)

S170001**PEOPLE v. WATTA (BENJAMIN WAYNE)**

Extension of time granted

Good cause appearing, and based upon counsel Jonathan P. Milberg's representation that the appellant's opening brief is anticipated to be filed by January 4, 2017, counsel's request for an extension of time in which to file that brief is granted to November 7, 2016. After that date, only one further extension totaling about 58 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

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

Extension of time granted

Good cause appearing, and based upon counsel David A. Nickerson's representation that the appellant's reply brief is anticipated to be filed by December 3, 2016, counsel's request for an extension of time in which to file that brief is granted to November 7, 2016. After that date, only one further extension totaling about 29 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

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

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Timothy J. Foley's representation that the appellant's opening brief is anticipated to be filed by December 23, 2016, counsel's request for an extension of time in which to file that brief is granted to November 14, 2016. After that date, only one further extension totaling about 39 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

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

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 14, 2016.

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

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General William N. Frank's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by February 10, 2017, counsel's request for an extension of time in which to file that document is granted to November 7, 2016. After that date, only two further extensions totaling about 94 additional days are contemplated.

S224408**PEOPLE v. RAMIREZ
(RICHARD RAYMOND)**

Extension of time granted

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

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 25, 2016.

S232900

D066907 Fourth Appellate District, Div. 1

**PEOPLE v. VALENZUELA
(LAURA REYNOSO)**

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 October 7, 2016.

No further extensions are contemplated.

S235441**JONES (KENNETH A.) 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 October 7, 2016.

S235541**WILSON (GLENN FLYNN)
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 October 7, 2016.

S235828

B266479 Second Appellate District, Div. 6

**PEOPLE v. RICHARDS
(JOHN COLE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Melissa Camacho-Cheung is hereby appointed to represent appellant on the appeal now pending in this court.

S212800**ORANGE CITIZENS FOR
PARKS & RECREATION v.
S.C. (MILAN REI IV LLC)**

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 Colin Pearce 20 minutes and David DeBerry 10 minutes of real parties in interest 30-minute allotted time for oral argument is granted.

S236958**COON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of EARL FRANKLIN COON, State Bar Number 76114, as a member of the State Bar of California is accepted.

EARL FRANKLIN COON 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.

S236959**DAVIS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DIANE PATRICIA DAVIS, State Bar Number 169920, as a member of the State Bar of California is accepted.

DIANE PATRICIA DAVIS 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.

S236960**LASHLEY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DOUGLAS LATHAM LASHLEY, State Bar Number 71603, as a member of the State Bar of California is accepted.

DOUGLAS LATHAM LASHLEY 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.

S237074**MILKS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of NORMAN STANLEY MILKS, State Bar Number 106016, as a member of the State Bar of California is accepted.

NORMAN STANLEY MILKS 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.

S237075**RAINE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of THOMAS CHRISTIAN RAINE, State Bar Number 270880, as a member of the State Bar of California is accepted.

THOMAS CHRISTIAN RAINE 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.

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 8, 2016
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Thursday, September 8, 2016, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Werdegar, Chin, Liu, Cuéllar, and Kruger. Associate Justice Corrigan was absent but will review a recording of the oral argument. All parties stipulated to her participation in the deliberations and decision notwithstanding her absence from oral argument.

Officers present: Frank A. McGuire, Clerk, Jorge Navarrete, Assistant Clerk Administrator, and Gail Gray, Calendar Coordinator.

S218497 Centinela Freeman Emergency Medical Associates et al.,
 Plaintiffs and Appellants,
 v.
 Health Net of California, Inc. et al., Defendants and Respondents.

Cause called. Margaret M. Grignon argued for Respondents.
Andrew H. Selesnick argued for Appellants.

Ms. Grignon replied.
Cause submitted.

S117489 The People, Plaintiff and Respondent,
 v.
 Grayland Winbush, Defendant and Appellant.

[TO BE CALLED AND CONTINUED TO THE NOVEMBER 2016 CALENDAR]

Court adjourned.



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
OCTOBER 5 and 6, 2016**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on October 5 and 6, 2016.

WEDNESDAY, OCTOBER 5, 2016 — 9:00 A.M.

- (1) Association of California Insurance Companies et al. v. Dave Jones, as Commissioner, etc., S226529
- (2) People v. Financial Casualty & Surety, Inc., S229446
- (3) Raceway Ford Cases, S222211

1:30 P.M.

- (4) Harris, Jr. (Morris Glen) v. Superior Court of Los Angeles County (People, Real Party in Interest), S231489
- (5) People v. Melendez (Angelo Michael) [Automatic Appeal], S118384
- (6) People v. Landry (Daniel Gary) [Automatic Appeal], S100735

THURSDAY, OCTOBER 6, 2016 — 9:00 A.M.

- (7) County of Los Angeles Board of Supervisors et al. v. Superior Court of Los Angeles County (ACLU of Southern California et al., Real Parties in Interest), S226645
- (8) McGill (Sharon) v. Citibank, N.A., S224086
(*Corrigan, J., not participating; Haller, J., assigned justice pro tempore*)

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission.
(See Cal. Rules of Court, rule 8.224(c).)