

**SUPREME COURT MINUTES
THURSDAY, APRIL 21, 2016
SAN FRANCISCO, CALIFORNIA**

S022998**PEOPLE v. TOWNSEL
(ANTHONY LETRICE)**

Opinion filed: Judgment affirmed as modified

The conviction for attempting to dissuade a witness from testifying is reversed and the witness-killing special-circumstance finding is vacated. In all other respects, the judgment is affirmed.

Majority Opinion by Werdegar, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S233942

B271611 Second Appellate District, Div. 6

**SARAGOSA (NICOLE
PATRICIA) v. S.C. (PEOPLE)**

Petition for review & application for stay denied

S130263**GAY (KENNETH EARL) ON
H.C.**

Extension of time granted

Good cause appearing, the parties' "Joint Application for Extension of Time Within Which to File Exceptions to the Referee's Findings of Fact and Brief on the Merits," filed on April 14, 2016, is granted. The parties' exceptions to the referee's findings of fact and simultaneous briefs on the merits must be served and filed on or before June 24, 2016. Response briefs, if any, must be served and filed on or before August 19, 2016. No further extensions of time are contemplated.

S148863**PEOPLE v. FRAZIER
(ROBERT WARD)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Evan Young's representation that the appellant's reply brief is anticipated to be filed by February 17, 2017, counsel's request for an extension of time in which to file that brief is granted to June 21, 2016. After that date, only four further extensions totaling about 244 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).)

S188589**PEOPLE v. VALLES, JR.,
(PEDRO CORTEZ)**

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 June 27, 2016.

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

Extension of time granted

Good cause appearing, and based upon counsel Pamala Sayasane's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 3, 2016, counsel's request for an extension of time in which to file that document is granted to June 17, 2016. After that date, only two further extensions totaling about 107 additional days are contemplated.

S229561**WILSON (BYRON PAUL) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Douglas L. Wilson's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 27, 2016, counsel's request for an extension of time in which to file that document is granted to June 27, 2016. After that date, no further extension is contemplated.

S230239**JONES (JEFFREY GERARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael R. Snedeker's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by August 23, 2016, counsel's request for an extension of time in which to file that document is granted to June 24, 2016. After that date, only one further extension totaling about 60 additional days is contemplated.

S051342**PEOPLE v. CUNNINGHAM
(JOHN LEE)**

Order appointing Habeas Corpus Resource Center filed

On the court's own motion, the order appointing Michael G. Millman, as Executive Director of the California Appellate Project in San Francisco, to serve as interim habeas corpus/executive clemency counsel of record for condemned inmate John Lee Cunningham, filed November 30, 2011, is hereby vacated.

Upon request of condemned inmate John Lee Cunningham for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent John Lee Cunningham for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court's delay in appointing habeas corpus/executive clemency counsel on behalf of condemned inmate John Lee Cunningham.

S207510**PEOPLE v. BARBAR
(MICHAEL)**

Order appointing State Public Defender filed

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Michael Barbar for the direct appeal in the above automatic appeal now pending in this court.

S209032**PEOPLE v. AVALOS (EMILIO
MANUEL)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, David P. Lampkin is hereby appointed to represent appellant Emilio Manuel Avalos for the direct appeal in the above automatic appeal now pending in this court.

S004424**PEOPLE v. BROWN, JR.,
(ALBERT GREENWOOD)**

Order filed

Because appellant is represented by counsel, the Clerk is directed to return to appellant the pro se submissions received on March 7, 2016. (*In re Barnett* (2003) 31 Cal.4th 466.)



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
May 3, 4, and 5, 2016**

SECOND AMENDED

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 May 3, 4, and 5, 2016.

TUESDAY, MAY 3, 2016 — 9:00 A.M.

- (1) Property Reserve, Inc. v. Superior Court of San Joaquin County (Department of Water Resources, Real Party in Interest), and Consolidated Cases, S217738
- (2) Sandquist (Timothy) v. Lebo Automotive, Inc. et al., S220812
- (3) People v. Fuentes (Alexis Alejandro), S219109

1:30 P.M.

- (4) In re Isaiah W.; Los Angeles County Department of Children and Family Services v. Ashlee R., S221263
- (5) In re Abbigail A. et al.; Sacramento County Department of Health and Human Services v. Joseph A. et al., S220187
- (6) Richards (William Joseph) on Habeas Corpus, S223651

WEDNESDAY, MAY 4, 2016 — 9:00 A.M.

- (7) Friends of the College of San Mateo Gardens v. San Mateo County Community College District et al., S214061
- (8) Ramos (Flavio) et al. v. Brenntag Specialties, Inc. et al., S218176
- (9) People v. Ikeda (Arnold), S209192
(Abated on death of defendant; no oral argument to be heard.)

1:30 P.M.

- (10) People v. Moran (Jeffrey Michael), S215914
(To be called and continued to the late May 2016 calendar.)
- (11) People v. Morales (Josue Vargas), S228030
- (12) People v. Macabeo (Paul), S221852
- (13) People v. Zaragoza (Louis Rangel) [Automatic Appeal], S097886

THURSDAY, MAY 5, 2016 — 9:00 A.M.

- (14) City of Perris v. Stamper (Richard C.) et al., S213468
- (15) Baral (Robert C.) v. Schnitt (David), S225090
- (16) People v. Espinoza, Jr. (Zeferino), S224929

1:30 P.M.

- (17) People v. Jackson (Bailey) [Automatic Appeal], S139103

CANTIL-SAKAUYE

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).)