

**SUPREME COURT MINUTES
TUESDAY, APRIL 29, 2014
SAN FRANCISCO, CALIFORNIA**

S217499 C064839 Third Appellate District

**KELL (TRAVIS) v.
AUTOZONE, INC.**

Petition stricken (case closed)

The untimely petition for review filed by appellant on April 22, 2014, is hereby ordered stricken.

S218068 E060904 Fourth Appellate District, Div. 2

**COOPER (GARY CURTIS) v.
S.C. (PEOPLE)**

Petition for review & application for stay denied

S216740 D060146/D061087 Fourth Appellate District, Div. 1 **MORGAN (MICHAEL W.) v.
IMPERIAL IRRIGATION
DISTRICT (IMPERIAL
COUNTY FARM BUREAU)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 5, 2014.

S216759 H039453 Sixth Appellate District

**PEOPLE v. LOBATO (JOE
NESTOR)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 4, 2014.

S216807 B243045 Second Appellate District, Div. 8

**PEOPLE v. PROTHRO
(MARCELLUS)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 5, 2014.

S216974 A138468 First Appellate District, Div. 5

IN RE EDWARD C.

The time for granting or denying review in the above-entitled matter is hereby extended to June 5, 2014.

S217010 B252443 Second Appellate District, Div. 1 **VENSKO (THOMAS) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 5, 2014.

S217012 B237690 Second Appellate District, Div. 2 **PEOPLE v. MOSLEY (THETHESIUS)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 5, 2014.

S097558 **PEOPLE v. GARTON (TODD JESSE)**

Extension of time granted

Good cause appearing, and based upon counsel Jeffrey J. Gale's representation that the appellant's reply brief is anticipated to be filed by August 25, 2014, counsel's request for an extension of time in which to file that brief is granted to June 25, 2014. After that date, only one further extension totaling about 60 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).)

S098318 **PEOPLE v. HENDERSON (PAUL NATHAN)**

Extension of time granted

Good cause appearing, and based upon counsel Martin H. Dodd's representation that the appellant's reply brief is anticipated to be filed by July 1, 2014, counsel's request for an extension of time in which to file that brief is granted to July 1, 2014. After that date, no further extension will be granted.

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).)

S118384 **PEOPLE v. MELENDEZ (ANGELO MICHAEL)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General A. Kay Lauterbach's representation that the respondent's brief is anticipated to be filed by July 1, 2014, counsel's request for an extension of time in which to file that brief is granted to July 1, 2014. 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).)

S146528**PEOPLE v. SNYDER
(JANEEN MARIE) &
THORNTON (MICHAEL
FORREST)**

Extension of time granted

On application of appellant Janeen Marie Snyder and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 30, 2014.

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

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 24, 2014.

S190666**VERDUGO (NATHAN
JAMES) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General David C. Cook's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by July 31, 2014, counsel's request for an extension of time in which to file that document is granted to June 27, 2014. After that date, only one further extension totaling about 30 additional days is contemplated.

S213873

B234271 Second Appellate District, Div. 3

**NICKERSON (THOMAS) v.
STONEBRIDGE LIFE
INSURANCE COMPANY**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to June 4, 2014.

S215132

B248603 Second Appellate District, Div. 3

**STATE DEPARTMENT OF
STATE HOSPITALS v. S.C.
(NOVOA)**

Extension of time granted

On application of petitioners and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to May 30, 2014. No further extensions are contemplated.

S216139

B242447 Second Appellate District, Div. 6

**PEOPLE v. MARTIN
(MARLIN V.)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Meredith Watts is hereby appointed to represent appellant on the appeal now pending in this court.

S216555**GABRIEL ON DISCIPLINE**

Recommended discipline imposed

The court orders that JONATHAN GRANT GABRIEL, State Bar Number 140381, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JONATHAN GRANT GABRIEL is suspended from the practice of law for the first 30 days of probation;
2. JONATHAN GRANT GABRIEL must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 17, 2013; and
3. At the expiration of the period of probation, if JONATHAN GRANT GABRIEL has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JONATHAN GRANT GABRIEL must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216557**HAYES ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN EDWARD HAYES, State Bar Number 144189, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JOHN EDWARD HAYES is suspended from the practice of law for the first 60 days of probation;
2. JOHN EDWARD HAYES must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 20, 2013; and
3. At the expiration of the period of probation, if JOHN EDWARD HAYES has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section

6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2015 and 2016. If JOHN EDWARD HAYES fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S216602**DOBBINS ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHRISTOPHER PHILLIP DOBBINS, State Bar Number 258002, is suspended from the practice of law in California for six months, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. CHRISTOPHER PHILLIP DOBBINS must comply with the conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on December 26, 2013; and
2. At the expiration of the period of probation, if CHRISTOPHER PHILLIP DOBBINS has complied with the terms of probation, the six-month period of stayed suspension will be satisfied and that suspension will be terminated.

CHRISTOPHER PHILLIP DOBBINS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216605**STALCUP ON DISCIPLINE**

Recommended discipline imposed

The court orders that THEODORE DENNIS STALCUP, State Bar Number 250135, is suspended from the practice of law in California for six months, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. THEODORE DENNIS STALCUP must comply with the conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on December 26, 2013; and
2. At the expiration of the period of probation, if THEODORE DENNIS STALCUP has complied with the terms of probation, the six-month period of stayed suspension will be satisfied and that suspension will be terminated.

THEODORE DENNIS STALCUP must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide

satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216608**PHILLIPS ON DISCIPLINE**

Recommended discipline imposed

The court orders that BRENT RANDALL PHILLIPS, State Bar Number 235753, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. BRENT RANDALL PHILLIPS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 23, 2013; and
2. At the expiration of the period of probation, if BRENT RANDALL PHILLIPS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

BRENT RANDALL PHILLIPS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216612**TRZCINSKI ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DIANE M. TRZCINSKI, State Bar Number 78199, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

DIANE M. TRZCINSKI must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216707**BECKER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BRYAN CHARLES BECKER, State Bar Number 241956, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BRYAN CHARLES BECKER must make restitution to Carla Greco in the amount of \$2,529 plus 10 percent interest per year from August 18, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

BRYAN CHARLES BECKER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216709**BUENDIA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RAYMOND ORTIZ BUENDIA, State Bar Number 94975, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RAYMOND ORTIZ BUENDIA must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216711**CABANILLAS-ALAS ON DISCIPLINE**

Recommended discipline imposed

The court orders that RAYDA CABANILLAS-ALAS, State Bar Number 140394, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. RAYDA CABANILLAS-ALAS is suspended from the practice of law for the first six months of probation;
2. RAYDA CABANILLAS-ALAS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 8, 2014; and
3. At the expiration of the period of probation, if RAYDA CABANILLAS-ALAS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

RAYDA CABANILLAS-ALAS must also take and pass the Multistate Professional

Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

RAYDA CABANILLAS-ALAS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2015, 2016, and 2017. If RAYDA CABANILLAS-ALAS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S216715**MORAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN EDWARD MORAN, State Bar Number 94179, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. JOHN EDWARD MORAN is suspended from the practice of law for the first 30 days of probation;
2. JOHN EDWARD MORAN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 8, 2014; and
3. At the expiration of the period of probation, if JOHN EDWARD MORAN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOHN EDWARD MORAN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216716**NYMAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CARL WILLIAM NYMAN, State Bar Number 57915, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

CARL WILLIAM NYMAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216717**PARTIPILO ON DISCIPLINE**

Recommended discipline imposed

The court orders that ANTHONY JOSEPH PARTIPILO, State Bar Number 55991, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ANTHONY JOSEPH PARTIPILO is suspended from the practice of law for the first 90 days of probation;
2. ANTHONY JOSEPH PARTIPILO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 17, 2013; and
3. At the expiration of the period of probation, if ANTHONY JOSEPH PARTIPILO has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

ANTHONY JOSEPH PARTIPILO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ANTHONY JOSEPH PARTIPILO must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216722**POWELL ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MATTHEW HOWARD POWELL, State Bar Number 87602, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. MATTHEW HOWARD POWELL must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S216723**REPLOGLE ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARK BRYSON REPLOGLE, State Bar Number 151200, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MARK BRYSON REPLOGLE is suspended from the practice of law for a minimum of the first 30 days of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Jacquelyn McCants in the amount of \$3,200 plus 10 percent interest per year from January 20, 2012; and
 - (2) Nathan Huss in the amount of \$1,747.50 plus 10 percent interest per year from April 6, 2012.
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).); and
 - iii. If he remains suspended for 90 days or more, he must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.
2. MARK BRYSON REPLOGLE must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2013.
3. At the expiration of the period of probation, if MARK BRYSON REPLOGLE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARK BRYSON REPLOGLE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If MARK BRYSON REPLOGLE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.