

**SUPREME COURT MINUTES
THURSDAY, AUGUST 6, 2015
SAN FRANCISCO, CALIFORNIA**

S218993 D064641 Fourth Appellate District, Div. 1 **PEOPLE v. BROWN
(SHAUNTREL RAY)**

Opinion filed: Judgment affirmed in full

The judgment of the Court of Appeal is affirmed.

Majority Opinion by Corrigan, J.

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

S210804 B239928 Second Appellate District, Div. 4 **EVEN ZOHAR
CONSTRUCTION &
REMODELING, INC. v.
BELLAIRE TOWNHOUSES,
LLC**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to September 30, 2015, or the date upon which rehearing is either granted or denied, whichever occurs first.

S112146 **PEOPLE v. STAYNER (CARY
ANTHONY)**

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.

Good cause appearing, and based upon counsel Andrew Parnes's representation that the appellant's opening brief is anticipated to be filed by March 31, 2016, counsel's request for an extension of time in which to file that brief is granted to September 28, 2015. After that date, only three further extensions totaling about 180 additional days 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).)

S135272**PEOPLE v. DWORAK
(DOUGLAS EDWARD)**

Extension of time granted

Good cause appearing, and based upon counsel Diane Nichols's representation that the appellant's reply brief is anticipated to be filed by December 15, 2015, counsel's request for an extension of time in which to file that brief is granted to October 2, 2015. After that date, only two further extensions totaling about 75 additional days 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).)

S138474**PEOPLE v. ANDERSON
(ERIC STEVE)**

Extension of time granted

Good cause appearing, and based upon counsel Joanna McKim's representation that the appellant's reply brief is anticipated to be filed by March 28, 2016, counsel's request for an extension of time in which to file that brief is granted to September 25, 2015. After that date, only three further extensions totaling about 186 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).)

S146939**PEOPLE v. CAPERS (LEE
SAMUEL)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Donald W. Ostertag's representation that the respondent's brief is anticipated to be filed by December 4, 2015, counsel's request for an extension of time in which to file that brief is granted to October 5, 2015. 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).)

S152556**PEOPLE v. OROZCO (JOSE
LUIS)**

Extension of time granted

Good cause appearing, and based upon counsel Tara K. Hoveland's representation that the appellant's reply brief is anticipated to be filed by December 3, 2015, counsel's request for an extension of time in which to file that brief is granted to October 5, 2015. 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).)

S164370**PEOPLE v. VOLARVICH
(BRENDT ANTHONY)**

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 September 25, 2015.

S165894**PEOPLE v. PENUELAS
(JESUS GUADALUPE
VELAZQUEZ)**

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 October 6, 2015.

S165998**PEOPLE v. PLATA (NOEL
JESSE) & TRAN (RONALD
TRI)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Karen Hamilton's representation that appellant Noel Jesse Plata's opening brief is anticipated to be filed by July 30, 2016, counsel's request for an extension of time in which to file that brief is granted to September 25, 2015. After that date, only six further extensions totaling about 311 additional days 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).)

S166737**PEOPLE v. FLORES (RALPH
STEVEN)**

Extension of time granted

Good cause appearing, and based upon counsel John L. Dodd's representation that the appellant's opening brief is anticipated to be filed by December 15, 2015, counsel's request for an extension of time in which to file that brief is granted to October 1, 2015. After that date, only two further extensions totaling about 75 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).)

S167010**PEOPLE v. ARIAS
(LORENZO INEZ) &
MENDOZA (LUIS ALONZO)**

Extension of time granted

On application of appellant Lorenzo Inez Arias and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 2, 2015.

S167010**PEOPLE v. ARIAS
(LORENZO INEZ) &
MENDOZA (LUIS ALONZO)**

Extension of time granted

On application of appellant Luis A. Mendoza and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 2, 2015.

S169152**PEOPLE v. COLBERT
(TECUMSEH)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Nina Wilder's representation that the appellant's opening brief is anticipated to be filed by June 12, 2016, counsel's request for an extension of time in which to file that brief is granted to September 25, 2015. After that date, only five further extensions totaling about 261 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).)

S172432**PEOPLE v. CHEATHAM
(STEVEN DEWAYNE)**

Extension of time granted

Good cause appearing, and based upon counsel Conrad Petermann's representation that the appellant's opening brief is anticipated to be filed by December 1, 2015, counsel's request for an extension of time in which to file that brief is granted to October 2, 2015. 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).)

S174227**PEOPLE v. GUERRERO
(JOSE)**

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 October 6, 2015.

S175660**PEOPLE v. AGUIRRE (JASON
ALEJANDRO)**

Extension of time granted

Good cause appearing, and based upon counsel Carla Johnson's representation that the appellant's opening brief is anticipated to be filed by March 15, 2016, counsel's request for an extension of time in which to file that brief is granted to October 5, 2015. After that date, only three further extensions totaling about 160 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).)

S178113**BRAMIT (MICHAEL
LAMAR) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Michael T. Murphy's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 2, 2015, counsel's request for an extension of time in which to file that document is granted to October 2, 2015. After that date, no further extension is contemplated.

S178123**BUTLER (RAYMOND
OSCAR) ON H.C.**

Extension of time granted

Good cause appearing, counsel Shelley K. Mack's request for an extension of time in which to file the reply to the informal response to the petition for writ of habeas corpus is granted to October 5, 2015. After that date, only one further extension totaling about 65 additional days will be granted.

S179454**PEOPLE v. JASSO
(CHRISTOPHER GUY)**

Extension of time granted

Good cause appearing, and based upon counsel Glen Niemy's representation that the appellant's opening brief is anticipated to be filed by November 4, 2015, counsel's request for an extension of time in which to file that brief is granted to September 30, 2015. After that date, only one further extension totaling about 35 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).)

S179826**PEOPLE v. CAIN (ANTHONY
DEONDREA)**

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 September 25, 2015.

S184521**PEOPLE v. DUNN (AARON
NORMAN)**

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 October 2, 2015.

S185810**PEOPLE v. THREATS
(DERLYN RAY)**

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 October 9, 2015.

S195828**PEOPLE v. VILLA
(RICARDO)**

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 September 28, 2015.

S196185**PEOPLE v. MACIAS
(ARMANDO)**

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 September 28, 2015.

S212368**SPENCER (CHRISTOPHER
ALAN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Emry J. Allen's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 2, 2015, counsel's request for an extension of time in which to file that document is granted to September 2, 2015. After that date, no further extension is contemplated.

S213911**HAWTHORNE, JR.,
(ANDERSON) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 17, 2015, counsel's request for an extension of time in which to file that document is granted to September 17, 2015. After that date, no further extension is contemplated.

S217299**HOYT (RYAN JAMES) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Miro F. Cizin's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 30, 2016, counsel's request for an extension of time in which to file that document is granted to October 6, 2015. After that date, only three further extensions totaling about 177 additional days will be granted.

S218736**SMITH, JR., (ROBERT LEE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Scott F. Kauffman's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 2, 2015, counsel's request for an extension of time in which to file that document is granted to October 2, 2015. After that date, no further extension is contemplated.

S219811 B252032 Second Appellate District, Div. 3 **LEWIS (ALWIN CARL) v. S.C.
(MEDICAL BOARD OF
CALIFORNIA)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to September 8, 2015.

S220961 **BLOOM (ROBERT
MAURICE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Michael R. Johnson's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 17, 2015, counsel's request for an extension of time in which to file that document is granted to September 17, 2015. After that date, no further extension is contemplated.

S222187 **DANIELS (DAVID SCOTT)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Larenda R. Delaini's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 19, 2015, counsel's request for an extension of time in which to file that document is granted to September 28, 2015. After that date, only one further extension totaling about 20 additional days is contemplated.

S222935 **VELASQUEZ (RICARDO) 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 reply to informal response is extended to August 21, 2015.

S223452 **POPS (ASWAD A.) 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 August 29, 2015, counsel's request for an extension of time in which to file that document is granted to August 31, 2015. After that date, no further extension is contemplated.

S223603 D063288 Fourth Appellate District, Div. 1**CLEVELAND NATIONAL
FOREST FOUNDATION v.
SAN DIEGO ASSOCIATION
OF GOVERNMENTS
(PEOPLE)**

Application to file over-length brief granted

The application of appellants for permission to file an oversized consolidated reply brief on the merits is hereby granted.

S223676 C073949 Third Appellate District**PEOPLE v. CHANEY
(CLIFFORD PAUL)**

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 September 10, 2015.

S224701**LEWIS, SR., (KEITH ALLEN)
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 28, 2015, counsel's request for an extension of time in which to file that document is granted to September 28, 2015. After that date, no further extension is contemplated.

S225117**DORTCH (JEMIER) 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 September 2, 2015.

S226291**HARRIS (KAI) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Dana M. Ali's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by November 29, 2015, counsel's request for an extension of time in which to file that document is granted to October 6, 2015. After that date, only one further extension totaling about 54 additional days is contemplated.

S226944**KINDRED (RICHARD
SCOTT) v. S.C. (PEOPLE)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the preliminary opposition is extended to September 8, 2015.

S227186**COX (TIEQUON AUNDRAY)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Miro F. Cizin's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 21, 2015, counsel's request for an extension of time in which to file that document is granted to September 21, 2015. After that date, no further extension is contemplated.

S227876 E061030/E061704 Fourth Appellate District, Div. 2 **CASTRO (ROBERT J.) v.
INDYMAC INDX
MORTGAGE LOAN TRUST
2005-AR21**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to August 13, 2015.

S226119 C077310 Third Appellate District**PEOPLE v. AGUIRRE
(CURTIS EUGENE)**

Counsel appointment order filed

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

S226972 E061236 Fourth Appellate District, Div. 2**PEOPLE v. YOUNG (TEDDY
JEROME)**

Counsel appointment order filed

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

S227107 H039935 Sixth Appellate District**PEOPLE v. MAGAT
(MARVIN)**

Counsel appointment order filed

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

S091898**PEOPLE v. RUBIO (GILBERT
RAUL)**

Order filed

On the court's own motion, the order filed on July 29, 2015, is amended to read as follows: The "Motion for an Order Unsealing Portion of Court Record on Appeal," filed on June 1, 2015, is granted. The Clerk is directed to unseal, make part of the public record, and provide to Respondent a copy of the Sealed Clerk's Transcript, Volume Three, pages 746-759, and the Sealed Reporter's Transcript, Volume One, pages 27-29 and 106-117, and Volume 14, pages 2969-2971.

S197586**WHEELER (LEROY) ON H.C.**

Order filed

Petitioner's request for relief from default to file the reply to the informal response is granted.

S213066 E054516 Fourth Appellate District, Div. 2**(H.) B. v. COUNTY OF SAN
BERNARDINO**

Request for judicial notice granted

Plaintiff's motion for judicial notice filed on December 13, 2013, is granted. Plaintiff's motion for judicial notice filed on March 10, 2014, is granted with respect to exhibits 1 and 2 and denied with respect to exhibit 3. Defendants' motion for judicial notice filed on February 14, 2014, is granted with respect to exhibit 1 and denied with respect to exhibit 2.

S219811 B252032 Second Appellate District, Div. 3**LEWIS (ALWIN CARL) v. S.C.
(MEDICAL BOARD OF
CALIFORNIA)**

Order filed

The application of real party in interest for permission to file the reply in support of motion to correct appellate record or, in the alternative, file under seal is hereby granted.

S222737**JOHNSON (JOE EDWARD)
ON H.C.**

Order filed

Respondent's request for relief from default to file the informal response to the petition for writ of habeas corpus is granted.

S227416**BROWN (PHILLIP) 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.

S227498**ANDREWS (STEVEN) v. S.C.**

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.