

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 11, 2019
SAN FRANCISCO, CALIFORNIA**

S258574 C071785 Third Appellate District

**COUNTY OF BUTTE v.
DEPARTMENT OF WATER
RESOURCES (STATE
WATER CONTRACTORS,
INC.)**

Petition for review granted; issues limited

The petition for review is granted. The parties are ordered to brief the following issues: 1. To what extent does the Federal Power Act preempt application of the California Environmental Quality Act when the state is acting on its own behalf, and exercising its discretion, in deciding to pursue licensing for a hydroelectric dam project? 2. Does the Federal Power Act preempt state court challenges to an environmental impact report prepared under the California Environmental Quality Act to comply with the federal water quality certification under section 401 of the federal Clean Water Act?

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed September 5, 2019, which appears at 39 Cal.App.5th 708. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 8.1125(c)(1).)

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuellar, Kruger, and Groban, JJ.

S257773 F078893 Fifth Appellate District

PEOPLE v. S.C. (I.R.)

Order filed: case held pending decision in another case

On November 26, 2019, the court granted the petitions for review in *O.G. v. Superior Court* (S259011), *People v. Superior Court (G.G.)* (S259048), *People v. Superior Court (I.R.)* (S257773), *People v. Superior Court (S.L.)* (S258432), and *People v. Superior Court (T.D.)* (S257980). At this time, the court designates *O.G.* the lead case and defers further action in *G.G.*, *I.R.*, *S.L.*, and *T.D.* pending consideration and disposition of related issues in *O.G.* or pending further order of the court. (Cal. Rules of Court, rule 8.512(d)(2).)

S257980 F078697 Fifth Appellate District

PEOPLE v. S.C. (T.D.)

Order filed: case held pending decision in another case

On November 26, 2019, the court granted the petitions for review in *O.G. v. Superior Court* (S259011), *People v. Superior Court (G.G.)* (S259048), *People v. Superior Court (I.R.)* (S257773), *People v. Superior Court (S.L.)* (S258432), and *People v. Superior Court (T.D.)*

(S257980). At this time, the court designates *O.G.* the lead case and defers further action in *G.G.*, *I.R.*, *S.L.*, and *T.D.* pending consideration and disposition of related issues in *O.G.* or pending further order of the court. (Cal. Rules of Court, rule 8.512(d)(2).)

S258432 H046598 Sixth Appellate District **PEOPLE v. S.C. (S.L.)**
Order filed: case held pending decision in another case

On November 26, 2019, the court granted the petitions for review in *O.G. v. Superior Court* (S259011), *People v. Superior Court (G.G.)* (S259048), *People v. Superior Court (I.R.)* (S257773), *People v. Superior Court (S.L.)* (S258432), and *People v. Superior Court (T.D.)* (S257980). At this time, the court designates *O.G.* the lead case and defers further action in *G.G.*, *I.R.*, *S.L.*, and *T.D.* pending consideration and disposition of related issues in *O.G.* or pending further order of the court. (Cal. Rules of Court, rule 8.512(d)(2).)

S259048 F079007 Fifth Appellate District **PEOPLE v. S.C. (G.G.)**
Order filed: case held pending decision in another case

On November 26, 2019, the court granted the petitions for review in *O.G. v. Superior Court* (S259011), *People v. Superior Court (G.G.)* (S259048), *People v. Superior Court (I.R.)* (S257773), *People v. Superior Court (S.L.)* (S258432), and *People v. Superior Court (T.D.)* (S257980). At this time, the court designates *O.G.* the lead case and defers further action in *G.G.*, *I.R.*, *S.L.*, and *T.D.* pending consideration and disposition of related issues in *O.G.* or pending further order of the court. (Cal. Rules of Court, rule 8.512(d)(2).)

S258517 E070761 Fourth Appellate District, Div. 2 **PEOPLE v. JACQUEZ, JR.,
(MANUEL ARSENIO)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of related issues in *People v. Orozco*, S249495 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S258797 F078649 Fifth Appellate District **PEOPLE v. THOMAS
(KESHAWN)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of related issues in *People v. Tirado*, S257658 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S258929 E069364 Fourth Appellate District, Div. 2 **PEOPLE v. HERNANDEZ
(CHARLIE STEVE)**

Petition for review granted; briefing deferred

The People's petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Frahs*, S252220 (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. Appellant's petition for review is denied.

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

S236635 **LEGARDY (RONALD) ON
H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the California Department of Corrections and Rehabilitation is ordered to show cause before the Los Angeles County Superior Court, when the matter is placed on calendar, why relief should not be granted on the ground that the trial court, when imposing sentence, erroneously used a base term of nine years for each of petitioner's convictions for attempted carjacking. (See Pen. Code, §§ 215; 664, subd. (b).) The return must be served and filed on or before January 10, 2020.

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

S258411 E073085 Fourth Appellate District, Div. 2 **JACKSON (ANTOINE
DUPREE) ON H.C.**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division Two, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two. That court is ordered to vacate its summary denial dated September 27, 2019, and is further ordered to issue an order to show cause, returnable before that court. The Secretary of the Department of Corrections and Rehabilitation is to be ordered to show cause, when the matter is placed on calendar, why the relief prayed for should not be granted.

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

S258533 C083362 Third Appellate District**PEOPLE v. MIRANDA
(ANDREW)**

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

The request for consideration of an additional issue in the petition for review is granted. The petition for review is granted. The matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider the cause in light of Senate Bill No. 136 (Stats. 2019, ch. 590). (Cal. Rules of Court, rule 8.528(d).)

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

S258554 H045593 Sixth Appellate District**PEOPLE v. LONGORIA
(IRVIN BOJORQUEZ)**

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

The petition for review is granted. The matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (See Cal. Rules of Court, rule 8.528(d).)

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

S258564 D076605 Fourth Appellate District, Div. 1**GOLDEN DOOR
PROPERTIES, LLC v. S.C.
(COUNTY OF SAN DIEGO)**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division One, with directions to issue an order to show cause

The petition for review granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

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

S258808 D074166 Fourth Appellate District, Div. 1**PEOPLE v. GREENE
(JANELL)**

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

The petition for review as supplemented is granted, and this matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of Senate Bill No. 136 (Stats. 2019, ch. 590). (See Cal. Rules of Court, rule 8.528(d).)

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

S259014 A158712 First Appellate District, Div. 4**ALAMEDA COUNTY SOCIAL
SERVICES AGENCY v. S.C.
(DANIEL L.)**

Petition for review granted; transferred to Court of Appeal, First Appellate District, Division Four

The petition for review is granted. The matter is transferred to the Court of Appeal, First Appellate District, Division Four, with directions to vacate its October 31, 2019, order denying the petition for extraordinary writ and to issue a writ of supersedeas staying the juvenile court's October 17, 2019, order pending the outcome of the appeal from that order. Upon issuance of the writ of supersedeas, the stay issued by this court on November 12, 2019, is dissolved.

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

S259024 A153134 First Appellate District, Div. 3**PEOPLE v. ALLEN
(CHARLES)**

Petition for review granted; transferred to Court of Appeal, First Appellate District, Division Three

The petition for writ of habeas corpus filed November 20, 2019, is construed as a supplement to the petition for review on appeal. The petition for review as supplemented is granted, and this matter is transferred to the Court of Appeal, First Appellate District, Division Three, with directions to vacate its decision and reconsider the cause in light of Senate Bill No. 136 (Stats. 2019, ch. 590). (See Cal. Rules of Court, rule 8.528(d).)

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

S259193**DAWSON (KENNETH DEAN)
ON H.C.**

Petition ordered withdrawn

Petitioner's request, filed on December 10, 2019, to withdraw the petition for writ of habeas corpus is granted.

S258947**BLEHM (KRISTOPHER) ON
CLEMENCY**

Letter sent to Governor with the recommendation required by article V, section 8 of the California Constitution for the Governor to grant a pardon

December 11, 2019

The Honorable Gavin Newsom
Governor, State of California
State Capitol Building

Sacramento, CA 95814

Kristopher Blehm

Legal Affairs File No.: GO No. 3573-17

Case Number: S258947

Executive Clemency Number: 1195

Dear Governor Newsom:

On the application of Kristopher Blehm for commutation of sentence, the court, with at least 4 judges concurring, hereby makes the recommendation required by Article V, section 8 of the California Constitution for the Governor to grant a commutation of sentence.

Sincerely,

Tani Cantil-Sakauye

Chief Justice of California

S258949

**LEDESMA (JOSE) ON
CLEMENCY**

Letter sent to Governor with the recommendation required by article V, section 8 of the California Constitution for the Governor to grant a pardon

December 11, 2019

The Honorable Gavin Newsom

Governor State of California

State Capitol Building

Sacramento, CA 95814

Jose Ledesma

Legal Affairs File No.: GO No. 7390-18

Case Number: S258949

Executive Clemency Number: 1196

Dear Governor Newsom:

On the application of Jose Ledesma for commutation of sentence, the court, with at least 4 judges concurring, hereby makes the recommendation required by Article V, section 8 of the California Constitution for the Governor to grant a commutation of sentence.

Sincerely,

Tani Cantil-Sakauye

Chief Justice of California

S256444**LEGARDY (RONALD EARL)
v. SUPREME COURT OF
CALIFORNIA**

The petition for writ of error *coram nobis* is denied.

S257941 A154841 First Appellate District, Div. 4**PEOPLE v. EVANS
(RICHARD ANTHONY)**

Petition for review denied

S258038 B283588 Second Appellate District, Div. 8**PEOPLE v. VALENCIA
(MANUEL DE JESUS)**

Petition for review denied

Liu, J., is of the opinion the petition should be granted.

DISSENTING STATEMENT BY LIU, J.

Among the individual rights guaranteed by the United States Constitution, perhaps none is more familiar than the Fifth Amendment right of a criminal suspect to remain silent in the face of police questioning. (*Miranda v. Arizona* (1966) 384 U.S. 436 (*Miranda*); see *Dickerson v. United States* (2000) 530 U.S. 428, 443 [“*Miranda* has become embedded in routine police practice to the point where the warnings have become part of our national culture.”].) As the high court explained half a century ago, the *Miranda* warnings set the ground rules for interactions between citizens and the police: “Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease. . . . If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. . . . If the individual cannot obtain an attorney and he indicates that he wants one before speaking to police, they must respect his decision to remain silent.” (*Miranda*, at pp. 473–474, fn. omitted.)

As it turns out, however, courts have understood this clear procedure to contain a caveat:

Although a suspect’s invocation of the right to silence or right to counsel cuts off questioning by the police in uniform, it does not stop the police from going undercover to continue questioning the suspect until he confesses. That is what happened in this case, and the Court of Appeal found “no *Miranda* problem” on the ground that “*Miranda* forbids coercion, not strategic deception that tricks suspects into trusting someone” whom they do not know is a government agent. (*People v. Valencia* (Aug. 5, 2019, B283588) 2019 WL 3542872, p. *2 [nonpub. opn.] (*Valencia*).)

The use of deceptive schemes to continue questioning a suspect who has invoked *Miranda* rights appears to be a common police practice throughout California. How is it possible, one might ask, that the protections of *Miranda* are so easily evaded? I wonder the same thing. I would grant review to decide whether this practice — what one court recently called a “deplorable” and “deliberate circumvention of *Miranda*’s protections” (*People v. Orozco* (2019) 32 Cal.App.5th 802, 816, 819 (*Orozco*)) — is lawful under the Fifth Amendment. But because this court has

declined several opportunities to address the issue, I urge the Legislature to examine whether additional safeguards are necessary to restore *Miranda*'s core purpose of ensuring that any statement made by a suspect to the police is "truly . . . the product of his free choice." (*Miranda*, *supra*, 384 U.S. at p. 458.) Compliance with *Miranda* is not a game, and the Legislature, if not this court, should make that clear.

I.

In this case, the police arrested defendant Manuel de Jesus Valencia for murder. Valencia, then 18 years old, was taken to the police station, where an officer advised him of his *Miranda* rights and began interrogating him. After answering some questions, Valencia said he did not want to talk anymore and requested counsel. No one disputes that Valencia validly invoked his *Miranda* rights.

The next day, in the face of Valencia's invocation of his *Miranda* rights, the police devised a scheme to extract a confession from him. First, the police placed Valencia in the same holding cell as undercover Deputy Sheriff Anthony Castro, who wore a recording device. Posing as a gang affiliate, Officer Castro sought to gain Valencia's trust. After he noticed that Valencia was shaking, Officer Castro told Valencia that he remembered what it was like to be 18, "scared," and "nervous." He told Valencia to "try not to let [his] voice crack" when he talked and to alter the way he walked and talked so it would be more difficult for a witness to identify him in a lineup. In accordance with the plan, a uniformed officer then came to the holding cell to take Valencia to a lineup. Although the witness did not identify Valencia as the perpetrator in the lineup, the uniformed officer lied to Valencia and told him that "[he] did get picked."

After Valencia returned to his cell, Officer Castro, still undercover, told him that he did not have to tell the detectives anything. Officer Castro said: "Sit there and just no matter what they tell you, you don't have to open your mouth. . . . Just because they ask a question don't mean you gotta answer it right?" Valencia replied: "Yeah. I have the right to remain silent." Officer Castro then advised Valencia that he should "start playing back everything now" because the police probably had other incriminating evidence. At that point, Valencia said, "They got me," and divulged his involvement in the crime. His statements were admitted at trial, comprising pivotal evidence in the prosecution's case. Valencia was convicted of murder and sentenced to 50 years to life in prison.

If Officer Castro had worn his uniform while eliciting Valencia's confession, this scheme would have clearly violated *Miranda*. Valencia invoked his right to silence and right to counsel, and any further questioning by police outside the presence of counsel was unlawful. (See *Edwards v. Arizona* (1981) 451 U.S. 477, 485 (*Edwards*); *Miranda*, *supra*, 384 U.S. at pp. 473–474.) But the Court of Appeal held that because Officer Castro impersonated an inmate, the protections of *Miranda* did not apply to his jail cell conversation with Valencia. (*Valencia*, *supra*, 2019 WL 3542872 at pp. *2–*3.)

What happened in Valencia's case is not an isolated incident. The use of deceptive schemes to elicit confessions from suspects who have invoked their *Miranda* rights appears to be a pervasive police practice in California. This year alone, there were five other cases in the courts of appeal presenting this issue. (See *People v. Bolivar* (Sept. 24, 2019, B284882) 2019 WL 4638899, p. *4 [nonpub. opn.] (*Bolivar*); *People v. Robbins* (July 31, 2019, B283582) 2019 WL 3451312, p. *3

[nonpub. opn.] (*Robbins*), review den. Nov. 20, 2019; *People v. Herrera* (July 15, 2019, B286907) 2019 WL 3071747, p. *2 [nonpub. opn.] (*Herrera*), review den. Nov. 20, 2019; *Orozco, supra*, 32 Cal.App.5th at pp. 807–809, review den. June 12, 2019; *People v. Arzate* (Feb. 27, 2019, B286532) 2019 WL 948963, p. *3 [nonpub. opn.] (*Arzate*), review den. June 12, 2019.) And there have been many cases beyond those. (See *People v. Tauch* (Sept. 16, 2015, B257033) 2015 WL 5445202, p. *2 [nonpub. opn.] (*Tauch*), review den. Dec. 16, 2015; *People v. Olivares* (Nov. 20, 2014, B248543) 2014 WL 6480341, p. *3 [nonpub. opn.] (*Olivares*), review den. Mar. 11, 2015; *People v. Jackson* (June 28, 2005, B169059) 2005 WL 1515390, p. *6 [nonpub. opn.] (*Jackson*), review den. Oct. 12, 2005; *People v. Schinkel* (Aug. 27, 2002, C036877) 2002 WL 1970197, p. *4 [nonpub. opn.] (*Schinkel*), review den. Nov. 20, 2002; *People v. Lolohea* (Mar. 22, 2002, A091821) 2002 WL 443398, p. *6 [nonpub. opn.] (*Lolohea*), review den. June 19, 2002; *People v. Plyler* (1993) 18 Cal.App.4th 535, 544 (*Plyler*), review den. Nov. 23, 1993; *People v. Guilmette* (1991) 1 Cal.App.4th 1534, 1538–1539 (*Guilmette*), review den. Mar. 19, 1992.) These cases, which come from multiple counties up and down the state, are just the tip of the iceberg. Because courts have consistently rejected challenges to such practices, and because this court has declined multiple opportunities to take up the issue, it is likely that many defendants do not raise this issue on appeal. And such practices go unchallenged when applied to suspects who provide no self-incriminating statements or turn out to be wrongly detained, never charged, or eventually acquitted.

The police tactics used to circumvent a clear *Miranda* invocation are varied. There are many cases like Valencia’s, where officers disguised as inmates continue questioning a suspect in the holding cell after he has invoked his rights. (See *Valencia, supra*, 2019 WL 3542872 at pp. *1–*2; *Bolivar, supra*, 2019 WL 4638899 at p. *4; *Robbins, supra*, 2019 WL 3451312 at p. *3; *Tauch, supra*, 2015 WL 5445202 at p. *2; *Olivares, supra*, 2014 WL 6480341 at p. *3.) In one scheme called “stimulation,” officers in a custodial interrogation deceitfully tell the suspect that they have enough evidence to convict him in order “ ‘to get him wound up when he [is] placed back in the cell with . . . undercover deputies.’ ” (*Olivares, supra*, 2014 WL 6480341 at p. *4; see also *Valencia, supra*, 2019 WL 3542872 at p. *1; *Orozco, supra*, 32 Cal.App.5th at p. 809.) This tactic integrates official questioning and surreptitious questioning into a single coordinated scheme to exhaust defendants into confessing, extending the coercive effects of official interrogation beyond the interrogation room. After Salvador Olivares stated five times during an interrogation that he had nothing to say and that he wanted a lawyer (*Olivares*, at p. *3, fn. 6), officers followed him back to his holding cell and “yelled” that they had witnesses and DNA evidence tying him to murder. Two undercover deputies continued questioning him in his cell for two and a half hours, pretending to commiserate with him and to offer advice about his case in order to coax incriminating statements out of him. (*Id.* at p. *4.) At one point during the questioning, when Olivares expressed concern that the conversation might be recorded — indeed, it was — the officers “dismissed the idea.” (*Ibid.*)

In other scenarios, the police have enlisted other agents to conduct the questioning, including inmate informants (*Herrera, supra*, 2019 WL 3071747 at p. *2; *Arzate, supra*, 2019 WL 948963 at p. *3; *Schinkel, supra*, 2002 WL 1970197, p. *4), family members of the defendant (*Orozco, supra*, 32 Cal.App.5th at p. 809), coconspirators (*Jackson, supra*, 2005 WL 1515390 at p. *6; *Lolohea, supra*, 2002 WL 443398 at p. *6), and victims (*Plyler, supra*, 18 Cal.App.4th at p. 544; *Guilmette, supra*, 1 Cal.App.4th at p. 1538–1539).

Twenty-four hours after Arturo Herrera refused to speak with interrogators, the police recruited another inmate by promising him leniency and placed the inmate in Herrera's cell. At the police's direction, the inmate questioned Herrera for one and a half hours, during which Herrera gave self-incriminating statements. (*Herrera, supra*, 2019 WL 3071747.) The following exchange is representative of the conversation:

"INFORMANT: Did you get rid of, what did you use?"

"HERRERA: (Silent)"

"INFORMANT: Arturo?"

"INFORMANT: I mean you're already here for that dog so there is no point in not knowing what you used, you know."

"HERRERA: (Silent)"

"INFORMANT: Did you use a gun?"

"HERRERA: (Silent)"

"INFORMANT: Arturo?"

"HERRERA: Yeah"

"INFORMANT: Did you use a gun?"

"HERRERA: (Silent)"

"INFORMANT: Or did you use a knife?"

"HERRERA: (Silent)"

"INFORMANT: You ain't got to worry dog, we are on the same situation."

"HERRERA: (Silent)"

"INFORMANT: My case, I used a gun, you know what I am saying. I am not much of a knife person, I am more like, I get a thrill out of shooting you know."

"HERRERA: Yeah."

"INFORMANT: So I don't know how you did yours that's why I am trying to understand, how did you do yours? Obviously we[re] busted, we[re] both here for something similar. Did you beat him up?"

"HERRERA: (Silent)"

"INFORMANT: Arturo?"

"HERRERA: Yeah."

"INFORMANT: What did you use dog, I am trying to help you, you know."

"HERRERA: I understand but . . ."

"INFORMANT: I mean you say you understand but I am trying to help you understand you know, because on my case, like I told you, I shot the dude but they didn't find my weapon, see what I am saying."

"HERRERA: (Silent)."

This manner of police-directed questioning — one day after Herrera invoked his right to silence and right to counsel — goes on for 49 transcript pages.

In Eduardo Orozco's case, officers finally stopped interrogating him about the death of his child after he requested a lawyer six times. (*Orozco, supra*, 32 Cal.App.5th at p. 807.) The police then allowed Orozco and his girlfriend to meet alone in an interrogation room at the police station. Before she entered, the officers directed her to " 'get the full explanation out of [Orozco].' " (*Id.* at p. 808.) The subsequent conversation was recorded. After several minutes in which Orozco would not admit to killing his child, an officer entered the room and threatened to charge both

Orozco and his girlfriend with murder. At that point, Orozco told his girlfriend that he did not want “ ‘them to take’ ” her, and he eventually confessed. (*Id.* at p. 809.)

In Dalton Lolohea’s case, officers first extracted a confession from Lolohea’s accomplice and then directed the accomplice to try and pressure Lolohea into confessing as well. (*Lolohea, supra*, 2002 WL 443398 at p. *6.) When Lolohea asked to speak with a lawyer during his interrogation, officers instead left him in the interrogation room with his accomplice, who said that “the police knew everything.” (*Ibid.*) Only then did Lolohea confess.

After Victor Arzate invoked his right to counsel, officers sent an undercover agent posing as a “ ‘seasoned gang member’ ” into his holding cell to secure a confession. (*Arzate, supra*, 2019 WL 948963 at p. *3.) When Arzate did not reveal anything incriminating, officers moved him and the undercover agent to another area in the jail. After some more questioning, an officer interrupted the conversation to remind Arzate that the DNA evidence they had against him “ ‘doesn’t lie,’ ” even though nothing in the record indicated that the police had any such evidence. (*Id.* at p. *4.) Only after more questioning did Arzate ultimately make self-incriminating statements. (*Ibid.*)

II.

It may come as a surprise to many citizens that these police practices, deliberately designed to circumvent *Miranda*’s protections, have been consistently upheld by our courts. Indeed, I suspect most Americans do not know and would not expect that the police may continue to question a person who remains in custody after invoking *Miranda* rights so long as the questioning occurs through trickery or deceit.

Miranda protects the Fifth Amendment right against self-incrimination by requiring certain safeguards to be met before a criminal suspect’s statements during custodial interrogation can be admitted at trial. *Miranda*’s familiar warnings inform a suspect that “he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed.” (*Miranda, supra*, 384 U.S. at p. 444.) A suspect can waive these rights if he does so voluntarily, knowingly, and intelligently. (*Ibid.*; see *Moran v. Burbine* (1986) 475 U.S. 412, 421 (*Moran*).) “If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking[,] there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him.” (*Miranda*, at pp. 444–445; see *Edwards, supra*, 451 U.S. at p. 485 [*Miranda* created a “ ‘rigid rule . . . requiring that all interrogation cease’ ” when a suspect has requested an attorney].)

Although *Miranda* discussed the “inherently compelling pressures” of an official interrogation (*Miranda, supra*, 384 U.S. at p. 467), its holding was grounded in a broader recognition that “the constitutional foundation underlying the privilege [against self-incrimination] is the respect a government — state or federal — must accord to the dignity and integrity of its citizens” (*id.* at p. 460). This dignity is violated when a police officer extracts a statement from a suspect that is not “the product of his free choice.” (*Id.* at p. 458.) It is because the atmosphere of official interrogation undermines the accused’s free and knowing decision to speak with the police that *Miranda*’s warnings are required. (*Id.* at p. 457.)

The high court has recognized that if the invocation of *Miranda* rights is to serve its protective purpose, it must not only stop officers from continuing an interrogation at the moment of

invocation, but also restrict their ability to resume interrogation later on. Thus, if a suspect invokes his right to silence, the police must “scrupulously honor” that right and can “resume[] questioning only after the passage of a significant period of time and the provision of a fresh set of warnings.” (*Michigan v. Mosley* (1975) 423 U.S. 96, 106.) Similarly, the police may not reinitiate interrogation after a suspect has requested counsel unless there has been a break in custody for at least 14 days, at which point any renewed questioning must be preceded by new *Miranda* warnings. (See *Maryland v. Shatzer* (2010) 559 U.S. 98, 110 (*Shatzer*); *Edwards, supra*, 451 U.S. at p. 485.) Such rules “‘[p]reserv[e] the integrity of an accused’s choice to communicate with police only through counsel,’ [citation], by ‘prevent[ing] police from badgering a defendant into waiving his previously asserted *Miranda* rights.’ ” (*Shatzer*, at p. 106.)

At the same time, some cases have placed limits on *Miranda*’s applicability. For our purposes, the key case is *Illinois v. Perkins* (1990) 496 U.S. 292 (*Perkins*), which held that “[c]onversations between suspects and undercover agents do not implicate the concerns underlying *Miranda*.” (*Id.* at p. 296.) The defendant in *Perkins* confessed to committing murder during a conversation with an undercover officer posing as an inmate while in custody. *Perkins* concluded that no *Miranda* warnings were necessary because such warnings are limited to protecting against the inherently coercive pressures of a “‘police-dominated atmosphere.’ ” (*Perkins*, at p. 296.) When a suspect is unaware that he is speaking with the police, the high court said, that coercive atmosphere is lacking. (*Ibid.*) According to *Perkins*, “[t]here is no empirical basis for the assumption that a suspect speaking to those whom he assumes are not officers will feel compelled to speak by the fear of reprisal for remaining silent or in the hope of more lenient treatment should he confess.” (*Id.* at pp. 296–297.)

Although *Perkins* gave a green light to various undercover police operations, it did not address surreptitious questioning of a suspect *after* he has invoked *Miranda* rights. As Justice Brennan observed in *Perkins*: “Nothing in the Court’s opinion suggests that, had respondent previously invoked his Fifth Amendment right to counsel or right to silence, his statements would be admissible. If respondent had invoked either right, the inquiry would focus on whether he subsequently waived the particular right. [Citations.] As the Court made clear in *Moran v. Burbine*, 475 U. S. 412, 421 (1986), the waiver of *Miranda* rights ‘must [be] voluntary in the sense that it [must be] the product of a free and deliberate choice rather than *intimidation, coercion or deception*.’ (Emphasis added.) Since respondent was in custody on an unrelated charge when he was questioned, he may be able to challenge the admission of these statements if he previously had invoked his *Miranda* rights with respect to that charge.” (*Perkins, supra*, 496 U.S. at pp. 300–301, fn. * (conc. opn. of Brennan, J.).)

Nevertheless, our courts of appeal have extended *Perkins* to hold that surreptitious questioning of a suspect is permissible even after the suspect has invoked *Miranda* rights and remains in custody. The Court of Appeal’s opinion in this case encapsulates the reasoning in the case law:

“*Miranda* forbids coercion, not strategic deception Because Valencia confessed to a man he believed was not with the government, there is no reason to assume coercion. ([*Perkins, supra*, 496 U.S.] at pp. 297–298.) Ploys to mislead suspects or to lull them into a false sense of security are not within *Miranda*’s concerns. (*Ibid.*)” (*Valencia, supra*, 2019 WL 3542872 at p. *2.)

Simply put: “no coercion, no *Miranda*.” (*Id.* at p. *3; accord, *Orozco, supra*, 32 Cal.App.5th at pp. 813–815; *Guilmette, supra*, 1 Cal.App.4th at pp. 1540–1541; *Plyler, supra*, 18 Cal.App.4th at

pp. 544–545.) Other courts that have addressed this issue have mostly held the same. (See *State v. Anderson* (Alaska Ct.App. 2005) 117 P.3d 762, 763; *State v. Hall* (2003) 204 Ariz. 442, 452; *Halm v. State* (Fla.Dist.Ct.App. 2007) 958 So.2d 392, 395; *State v. Fitzpatrick* (Mo.Ct.App. 2006) 193 S.W.3d 280, 288; *People v. Hunt* (Ill. 2012) 969 N.E.2d 819, 827.)

Nevada appears to be the only state that has prohibited this practice. In *Boehm v. State* (Nev. 1997) 944 P.2d 269, 271, the police sought to extract a confession from Stephen Boehm after he refused to speak with interrogators by recruiting an inmate who had a reputation for being a “legal advisor” in the jail. The Nevada Supreme Court held that such questioning without *Miranda* warnings violated the Nevada Constitution because it was the “functional equivalent of express custodial interrogation.” (*Ibid.*; see *Miranda, supra*, 384 U.S. at p. 444 [“By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.”].) The court based its reasoning on the fact that the police specifically approached the inmate to set up a “sting,” that Boehm knew the inmate, that the inmate questioned Boehm extensively, and that the police knew the inmate’s reputation as a legal advisor would allow him to ask Boehm questions about the crime without drawing suspicion. (*Boehm*, at p. 271.)

Like the Nevada high court, I find dubious the claim that it is lawful for the police to continue questioning a suspect who has invoked *Miranda* rights and remains in custody so long as the police disguise the interrogation. A suspect who has invoked *Miranda* rights has made a choice not to speak with the police. It is one thing if the suspect then chooses to make incriminating statements to someone who is not acting at the behest of the police. (See *People v. Tate* (2010) 49 Cal.4th 635, 686.) But it is difficult to see how the use of deceptive schemes *by the police* to continue questioning the suspect can be compatible with “ ‘[p]reserv[ing] the integrity of an accused’s choice to communicate with police only through counsel.’ ” (*Shatzer, supra*, 559 U.S. at p. 106.) As noted, the *Miranda* warnings are widely understood to set the ground rules for interactions between citizens and the police. The warnings are not stated in terms that would lead a reasonable person to believe that invoking the right to silence or right to counsel leaves the police free to continue questioning through covert means. Such tactics hollow out the substance of *Miranda*’s protections and flout any ordinary understanding of what it means to invoke *Miranda* rights.

It is true that *Miranda* established mandatory warnings as a means of counteracting the coercive atmosphere of custodial interrogation. But the high court made clear that the ultimate purpose of “dispel[ling] the compulsion inherent in custodial surroundings” is to ensure that any statement made by the accused to the police is “truly . . . the product of his free choice.” (*Miranda, supra*, 384 U.S. at p. 458.) Even if surreptitious questioning of a suspect before he has invoked any *Miranda* rights does not negate the voluntariness of his choice to speak (*Perkins, supra*, 496 U.S. at p. 298), police-directed questioning of a suspect *in the face of* his invocation of *Miranda* rights plainly does negate the suspect’s explicit choice not to speak with the police. The fact that the suspect’s statements are elicited not by formal interrogation but by a police-concocted scheme of trickery or deceit does not support an inference that the suspect has waived his previously asserted *Miranda* rights. (See *Moran, supra*, 475 U.S. at p. 421 [valid *Miranda* waiver must be “the product of a free and deliberate choice rather than intimidation, coercion, *or* deception”], italics added.) Such deliberate disregard for the exercise of constitutional rights is hard to square with “the respect a government — state or federal — must accord to the dignity and integrity of its

citizens,” which *Miranda* understood to be “the constitutional foundation underlying the privilege” against self-incrimination. (*Miranda*, at p. 460.)

The high court has said that the Fifth Amendment right against self-incrimination and the Fourth Amendment right against unreasonable searches and seizures “enjoy an ‘intimate relation’ in their perpetuation of ‘principles of humanity and civil liberty . . .’ [Citation.] They express ‘supplementing phases of the same constitutional purpose — to maintain inviolate large areas of personal privacy.’ ” (*Mapp v. Ohio* (1961) 367 U.S. 643, 657, fn. omitted.) It is noteworthy, then, that courts have not tolerated similar forms of deception when it comes to obtaining consent to police searches and seizures.

In *People v. Reyes* (2000) 83 Cal.App.4th 7, for example, police officers untruthfully told a suspect that they had accidentally backed into his car in a ruse to get him to come outside of his home. When the suspect came outside, officers searched him without a warrant or probable cause and found controlled substances. The Court of Appeal held that the search was unconstitutional because police “lured him outside with a trick unrelated to criminal activity, one that undermined the voluntariness of the consent.” (*Id.* at p. 13.) Another example is *People v. Reeves* (1964) 61 Cal.2d 268, a case where police officers enlisted a hotel manager to falsely tell a guest there was a letter for him at the front desk. When the guest left his room to pick up the letter, the officers were waiting by the door and observed marijuana inside. We held that the subterfuge made the search and seizure invalid. (*Id.* at p. 273.)

Other courts have similarly invalidated searches or seizures when consent was induced by police deception. (See *State v. Pi Kappa Alpha Fraternity* (1986) 23 Ohio St.3d 141, 141 [police gained entry to fraternity house by posing as fraternity alumni]; *State v. Ahart* (Iowa 1982) 324 N.W.2d 317, 318 [police gained entry to house by pretending that their car broke down and requesting to make a phone call]; *Pagan-Gonzalez v. Moreno* (1st Cir. 2019) 919 F.3d 582, 597 [FBI agents gained entry to dwelling and computer by lying that the computer was sending viruses to government computers]; *U.S. v. Hardin* (8th Cir. 2008) 539 F.3d 404, 407–408 [manager of apartment, acting as government agent, entered apartment under guise of checking for a water leak]; *U.S. v. Wei Seng Phua* (D.Nev. 2015) 100 F.Supp.3d 1040, 1047 [police disconnected internet and then posed as repairmen to gain entry to hotel room]; *U.S. v. Boyd* (W.D.Mich. 2011) 910 F.Supp.2d 995, 998 [police gained entry to apartment by posing as maintenance workers]; *U.S. v. Giraldo* (E.D.N.Y. 1990) 743 F.Supp. 152, 153 [police gained entry to dwelling by posing as utility worker checking for a gas leak].) If such practices cannot produce valid consent to a search or seizure, how can they produce a valid confession after a suspect has invoked *Miranda* rights?

In sum, the use of deceptive interrogation tactics to deliberately circumvent a suspect’s invocation of *Miranda* rights appears to be a common police practice throughout California. I would grant review to decide whether such tactics are lawful under the Fifth Amendment. And I would be willing to consider, in an appropriate case, whether such tactics independently violate the due process clause of the Fourteenth Amendment. (See *Perkins, supra*, 496 U.S. at pp. 301–303 (conc. opn. of Brennan, J.), citing *Miller v. Fenton* (1985) 474 U.S. 104, 109–110, 116; *People v. Benson* (1990) 52 Cal.3d 754, 778.)

III.

As a practical matter, because this court has declined several opportunities to address the issue, the restoration of *Miranda* rights in the face of restrictive court decisions is a task that falls to the Legislature. (Cal. Const., art. I, § 28, subd. (f)(2).) In recent years, the Legislature has acknowledged problems with the use of police-directed informants. In 2011, Governor Brown signed Senate Bill No. 687 (2011–2012 Reg. Sess.) to require prosecutors to provide corroborating evidence when a jailhouse informant alleges that his cellmate confessed to a crime. (Pen. Code, § 1111.5.) In 2017, the Assembly passed Assembly Bill 359 (2017–2018 Reg. Sess.), which sought to further regulate the use of jailhouse informants (*id.*, § 2), but the bill was held in the Senate and did not become law. In addition, the Legislature has passed other laws to strengthen the efficacy of *Miranda*’s protections. (See Welf. & Inst. Code, § 625.6, added by Stats. 2017, ch. 681, § 2 [establishing a statutory right to consultation with an attorney before a child 15 years of age or younger may waive *Miranda* rights]; see also Gov. Code, § 3303 [prescribing detailed guidelines for discipline-related interrogation of public safety officers].) A number of law enforcement jurisdictions throughout California have official guidelines or trainings for conducting so-called “*Perkins* operations” or “*Perkins* interrogations.” (See, e.g., Alameda County District Attorney’s Office, Recording Staged Communications (2016) <https://le.alcoda.org/publications/point_of_view/files/SS16_RECORDING_STAGED_COMMUNICATIONS.pdf> [as of Dec. 11, 2019]; Riverside County District Attorney’s Office, Biennial Report: 2016–2017 (2017) p. 19 <rivcoda.org/opencms/resources/Brochures/Biennial_final_small.pdf> [as of Dec. 11, 2019].) The Legislature can hold hearings on the extent to which such guidelines or trainings authorize *Perkins* interrogations in the face of a suspect’s invocation of *Miranda* rights. In this regard, it is notable that one of the largest prosecutors’ offices in California has a policy manual that explicitly states: “A *Perkins* Operation should not be conducted after the suspect has invoked his/her *Miranda* rights.” (Orange County District Attorney’s Office, Informant Policy Manual (Jan. 2017) p. 28 <orangecountyda.org/civicax/filebank/blobdload.aspx?BlobID=23499> [as of Dec. 11, 2019]; see *id.* at p. 11 [“A **PERKINS OPERATION** is conducted before the suspect has invoked his or her *Miranda* rights and before charges have been filed against the suspect for the specific crime under investigation.”].) The Legislature could require police departments and prosecutors’ offices to follow Orange County’s example and prohibit surreptitious questioning after a suspect has invoked *Miranda* rights. Other reform options include: directing the Office of the Attorney General to publish model guidelines for *Perkins* operations that forbid post-invocation surreptitious questioning; prohibiting surreptitious questioning for a specified period of time after a *Miranda* invocation or until there has been a significant break in custody; requiring any post-invocation, police-initiated questioning of a suspect to be preceded by fresh *Miranda* warnings; requiring any post-invocation, police-directed questioning to be preceded by a disclosure to the suspect that the questioning is in fact police-directed; and imposing civil liability on police officers and departments for surreptitiously questioning a suspect after he has invoked *Miranda* rights. It is a hard lesson of history that public cynicism and distrust of legal institutions take root when constitutional rights are honored in theory but violated in practice. The right to cut off questioning and seek assistance of counsel is deeply embedded in the consciousness of our

citizenry as a fundamental protection against the formidable power of the police. It trivializes this protection to say it can be defeated by a simple ruse. The time is ripe for the Legislature to address this issue in light of this court's reluctance to intervene.

LIU, J.

S258053 F078399 Fifth Appellate District

Petition for review denied

**PEOPLE v. GUTIERREZ
(BENJAMIN)**

S258083 G055884 Fourth Appellate District, Div. 3

Petition for review & publication request(s) denied

**RICHARDSON (DAN) v.
HUNTINGTON PACIFIC
BEACH HOUSE
CONDOMINIUM
ASSOCIATION**

S258170 C085564 Third Appellate District

Petition for review denied

**PEOPLE v. STEWARD
(SHELDON NICHOLAS)**

S258227 C074940 Third Appellate District

Petitions for review denied

**PEOPLE v. HAVEN
(ROBERT)**

S258350 B290916 Second Appellate District, Div. 2

Petition for review denied

**DEMKO (KELLY M.) v.
STORYTELLER
DISTRIBUTION CO., LLC**

S258357 A155460 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. CROWELL
(JAQUAN RAKIMJOSEPH)**

S258358 H047251 Sixth Appellate District

Petition for review denied

**RUIZ (ROBERT) v. S.C.
(PEOPLE)**

S258361	E069257 Fourth Appellate District, Div. 2	ASTRACHAN (BRYAN) v. BANNING UNIFIED SCHOOL DISTRICT
Petition for review & publication request(s) denied		
S258363	A152704 First Appellate District, Div. 5	PEOPLE v. RANGER (BRYAN HARLEN)
Petition for review denied		
S258379	E071050 Fourth Appellate District, Div. 2	KHOURY (SARKIS JOSEPH) v. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
Petition for review & publication request(s) denied Groban, J., was recused and did not participate.		
S258387	D076496 Fourth Appellate District, Div. 1	ARELLANO (RAUL) ON H.C.
Petition for review denied		
S258391	G058171 Fourth Appellate District, Div. 3	EVERS, JR., (HERBERT J.) v. S.C. (BALDWIN)
Petition for review & application for stay denied		
S258398	B290204 Second Appellate District, Div. 1	IN RE J.C.
Petition for review denied		
S258407	D074500 Fourth Appellate District, Div. 1	PEOPLE v. GONZALEZ (MANUEL)
Petition for review denied		
S258417	G055244 Fourth Appellate District, Div. 3	PEOPLE v. PENALOZA (RENE DANIEL)
Petitions for review denied		

S258426 D074753 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CALDWELL
(SULIEMAN)**

S258434 B291937 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. GONZALEZ
(ABRAHAM)**

S258436 B291190 Second Appellate District, Div. 5

Petition for review denied

The request for judicial notice is granted.

**NIKOGOSYAN (ADELINA) v.
WONG (WAND SUI WAN)**

S258443 C086531 Third Appellate District

Petition for review denied

**PEOPLE v. PERRY
(ANTHONY DUANE)**

S258455 B300906 Second Appellate District, Div. 1

Petition for review denied

**TOBIN (STEVEN) v. S.C.
(ANCHOR LANDING
INVESTMENT, LLC)**

S258456 B290408 Second Appellate District, Div. 8

Petition for review denied

**C. (D.), CONSERVATORSHIP
OF**

S258465 A150107 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. KUMAR
(ANSHEEL ANOSH)**

S258474 B292139 Second Appellate District, Div. 2

The petition for review is denied without prejudice to the filing of a new motion under Penal Code section 1473.7, as amended by Assembly Bill No. 2867. (Stats. 2018, ch. 825; see *People v. Camacho* (2019) 32 Cal.App.5th 998.)

PEOPLE v. CRUZ (ELIUT)

S258475 A154105 First Appellate District, Div. 3

Petition for review denied

**FRASER (COLIN) v. WELLS
FARGO BANK, N.A.**

S258480 A151266/A152170 First Appellate District, Div. 2

Petition for review denied

**HOGAN (RONALD) v. FIRST
TECHNOLOGY FEDERAL
CREDIT UNION**

S258482 H045176 Sixth Appellate District

Petition for review denied

PEOPLE v. LEDESMA (RAY)

S258486 A152907 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. HINKLE
(KRYSTAL)**

S258491 B290895 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. TORRES, JR.,
(ROBERT EUGENE)**

S258492 C083333 Third Appellate District

Petitions for review denied

**PEOPLE v. LESTER (PHILIP
NEIL)**

S258494 A152771 First Appellate District, Div. 2

Petition for review denied

**HOGAN (RONALD) v.
DEANGELIS
CONSTRUCTION, INC.**

S258509 E073341 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. S.C. (GREEN)

S258511 B300958 Second Appellate District, Div. 3

Petition for review denied

Groban, J., was recused and did not participate.

**MORGAN (LEEANN) v. S.C.
(WANG)**

S258525 E068099/E071306 Fourth Appellate District, Div. 2 **PEOPLE v. SAHLOLBEI (HOSSAIN)**

Petition for review denied

S258537 H045779 Sixth Appellate District **PEOPLE v. ALCANTAR (HORACIO AGUILAR)**

Petition for review denied

S258544 B288165 Second Appellate District, Div. 2 **McCOY (BRENT) v. CITY OF LOS ANGELES**

Petition for review denied

S258553 H047127 Sixth Appellate District **LONGORIA (IRVIN) ON H.C.**

Petition for review denied

S258561 **PEOPLE v. BRALEY (THOMAS)**

Petition for review denied

S258563 F073846 Fifth Appellate District **PEOPLE v. AVILES (LUIS ARRELLANES)**

Petition for review & depublication request(s) denied

S258566 B300894 Second Appellate District, Div. 8 **GILBERT (JOHN) v. S.C. (PEOPLE)**

Petition for review denied

S258569 **PEOPLE v. GUDINO (MANUEL CARLOS)**

Petition for review denied

S258579 F079966 Fifth Appellate District **SARDINA (ADAM LORENZO) ON H.C.**

Petition for review denied

S258588	B288855 Second Appellate District, Div. 6	PEOPLE v. BUENROSTRO (JESUS)
Petition for review denied		
S258605	A157795 First Appellate District, Div. 5	DAVIS (ASTARTE) v. DAVIS (DAWN JOAN)
Petition for review denied		
S258631	D073824 Fourth Appellate District, Div. 1	MACHADO (EDWARD A.) v. MYERS (BRYAN P.)
Petition for review denied		
S258633	B285640/B285693 Second Appellate District, Div. 7	PEOPLE v. HINE (RANDY)
Petition for review denied		
S258638	G057524 Fourth Appellate District, Div. 3	PEOPLE v. HOANG (HUNG LINH)
Petition for review denied		
S258669	D075276 Fourth Appellate District, Div. 1	PEOPLE v. REESE (STEPHEN)
Petition for review denied		
S258688	B292791 Second Appellate District, Div. 6	PEOPLE v. VALDEZ (EVERADO ANTONIO)
Petition for review denied		
S258690	F075670 Fifth Appellate District	JACKSON (FRED) v. GRIFFITH (LYLE D.)
Petition for review denied		
S258693		PEOPLE v. CARBAJAL (ALBERTO H.)
Petition for review denied		

S258700 D075613 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WOODS II
(EARNEST CASSELL)**

S258717 H046133 Sixth Appellate District

Petition for review denied

**PEOPLE v. HATTER
(ANGELICA DENISE)**

S258726 G055602 Fourth Appellate District, Div. 3

Petition for review denied

**CROUCH (CARRA) v.
TRINITY CHRISTIAN
CENTER OF SANTA ANA,
INC.**

S258728 F077237 Fifth Appellate District

Petition for review denied

**PEOPLE v. RODRIGUEZ
(IRVIN STANLEY)**

S258731 B290418 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. BRITO (ROGER
N.)**

S258737 C075878 Third Appellate District

Petition for review denied

**FREEPORT REGIONAL
WATER AUTHORITY v.
M&H REALTY PARTNERS
VI, L.P.**

S258740 A154917 First Appellate District, Div. 4

Petition for review & depublication request(s) denied

**LAKE NORCONIAN CLUB
FOUNDATION v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION (CITY OF
NORCO)**

S258743 F075227 Fifth Appellate District

**PEOPLE v. PERKINS
(RANDALL CORD)**

The petition for review is denied, without prejudice to defendant's right to seek relief on remand under amended Penal Code section 667.5. (See Stats. 2019, ch. 590.)

S258750 E072710 Fourth Appellate District, Div. 2
Petition for review denied

IN RE H.J.

S258763 B287901 Second Appellate District, Div. 7
Petition for review denied

**DALTON REALTY LLC v.
LECHUGA (DONALD)**

S258772 B292839 Second Appellate District, Div. 7
Petition for review denied

**PEOPLE v. FREEMAN
(RICKY HATARI)**

S258773 C086077 Third Appellate District
Petition for review & publication request(s) denied

**ASHMORE (GREGORY C.) v.
CALIFORNIA BOARD OF
REGISTERED NURSING**

S258789 B292470 Second Appellate District, Div. 2
Petition for review denied

**McCLUSKEY (VERONICA) v.
HENDRICKS (WILLIAM)**

S258790 C084563 Third Appellate District
Petition for review denied

**PEOPLE v. WILBURN
(TERRENCE LAMAR)**

S258793 D076645 Fourth Appellate District, Div. 1

**WOODS (EARNEST
CASSELL) ON H.C.**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *Palmer on Habeas Corpus*, S256149.

S258798 B300659 Second Appellate District, Div. 4

Petition for review denied

**TOKKEN MSB, INC. v. S.C.
(PLAYBOY ENTERPRISES,
INC.)**

S258799 B300036 Second Appellate District, Div. 4

Petition for review denied

**DUNCAN (STUART) v. S.C.
(PLAYBOY ENTERPRISES,
INC.)**

S258800

Petition for writ of error *coram vobis* denied

**ESPINOSA (BENITO
ZAVALA) v. COURT OF
APPEAL, THIRD
APPELLATE DISTRICT
(PEOPLE)**

S258802 H045486 Sixth Appellate District

Petition for review denied

**PEOPLE v. ROJAS
(ORLANDO)**

S258807 D076100 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. TAYLOR (ANDRE
LAMONT)**

S258821 E068936 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. DeVAUGHN
(MICHAEL OWEN)**

S258825 H045380 Sixth Appellate District

Petition for review denied

**PEOPLE v. ARTERO (SAUL
ANTONIO)**

S258831

Petition for writ of mandate/prohibition denied

**CHRISTOPHER - REIDHEAD
(EDWARD J.) v. PADILLA
(ALEX)**

S258843 F076439 Fifth Appellate District

Petition for review denied

PEOPLE v. ORTEGA (JUAN CARLOS)

S258846 B276067/B277931 Second Appellate District, Div. 8 **ROMAN (GABRIEL L.) v. KIM (SARAH H.)**

Petition for review denied

S258848 F075182 Fifth Appellate District

Petition for review denied

PEOPLE v. BOEN (CAMERON)

S258853 A155735 First Appellate District, Div. 1

Petition for review denied

PEOPLE v. OCHOA (MARIO ALBERTO)

S258855 F077044 Fifth Appellate District

Petition for review denied

PEOPLE v. LUCERO (JAMES ORLANDO)

S258860 B290552 Second Appellate District, Div. 6

The petition for review is denied without prejudice to any relief to which defendant might be entitled under amended Penal Code section 667.5. (See Stats. 2019, ch. 590.)

PEOPLE v. CARRANZA (ROBERT ANTHONY)

S258861 E072564 Fourth Appellate District, Div. 2

Petition for review denied

The request for judicial notice is granted.

PEOPLE v. JENKINS (LATOYA)

S258863 B284144 Second Appellate District, Div. 4

Petition for review denied

PEOPLE v. GUARDADO (MANUEL)

S258864 H044561 Sixth Appellate District

Petition for review denied

**MARKEVITCH (DAVID) v.
PAGANO & KASS, PC**

S258866 A153631 First Appellate District, Div. 3

Petition for review denied

**FIALA (AMY & FRANK),
MARRIAGE OF**

S258875 G055803 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MONTANO
(MARIO ORLANDO)**

S258877 D075548 Fourth Appellate District, Div. 1

Petition for review denied

**WALKER (NATASHA) v.
GHAZAL (RONNY)**

S258879 B294720 Second Appellate District, Div. 8
Petition for review denied

PEOPLE v. McCOY (BARRY)

S258880 H044545 Sixth Appellate District

Petition for review denied

**PEOPLE v. GOMEZ
(MICHAEL ANTHONY)**

S258881 D074646 Fourth Appellate District, Div. 1
Petition for review denied

PEOPLE v. SILVA (ERIC)

S258893 B263067 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MARTINEZ
(FRANK REYNALDO)**

S258898 F075057 Fifth Appellate District

Petition for review denied

**PEOPLE v. RIVERA
(ANTHONY GABRIEL)**

S258899 A155190 First Appellate District, Div. 5
Petition for review denied

IN RE A.R.

S258903 G056358 Fourth Appellate District, Div. 3
Petition for review denied

**RODRIGUEZ (TERESITA C.)
v. HEPNER (ABSALOM)**

S258906 E072925 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. CHAVARRIA
(JESSE JOE)**

S258910 A148945 First Appellate District, Div. 4
Petition for review denied

**PEOPLE v. Van EYCKE
(MARTIN)**

S258911 B283049 Second Appellate District, Div. 7
Petition for review denied

**PEOPLE v. INGRASSI
(BRITTANY ANN)**

S258915 A158459 First Appellate District, Div. 3
Petition for review denied
Cantil-Sakauye, C. J., Chin, and Corrigan, JJ., were recused and did not participate.

**CHAVEZ (ROGER E.) ON
H.C.**

S258920 A152819 First Appellate District, Div. 4
Petition for review denied

IN RE N.W.

S258921 A151646 First Appellate District, Div. 1
Petition for review denied

**PEOPLE v. MONTENEGRO
(FRANK JOSEPH)**

S258922 D074538 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. BATHEN
(BENJAMIN LEE)**

S258926 G056029 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CHILDRESS
(MICHAEL LEWIS)**

S258930 C086583 Third Appellate District

Petition for review denied

**PEOPLE v. HRANAC
(RICHARD LEE)**

S258931 D076677 Fourth Appellate District, Div. 1

Petition for review denied

**CALVILLO (LUIS HERNAN)
v. S.C. (PEOPLE)**

S258933 H044121 Sixth Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled under amended Penal Code section 667.5. (See Stats. 2019, ch. 590.)

**PEOPLE v. PLASCENCIA
(LUPERCIO VICTOR)**

S258937 E071942 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BROOKS (TYRIES
KEIMON)**

S258938 E071098 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. AGUILAR
(OSCAR PATINO)**

S258944 F077803 Fifth Appellate District

Petition for review denied

**PEOPLE v. BARRERA
(RUBEN GABRIOLA)**

S258945 C087619 Third Appellate District

Petition for review denied

**PEOPLE v. ZANE (STEVEN
ALEC)**

S258964 A154835 First Appellate District, Div. 2

Petition for review denied

**MUSHTAQ (RAMONA) v.
UMPQUA BANK**

S258965 B301209 Second Appellate District, Div. 5 **TEBBETTS (ROBERT LEE) v.
APPELLATE DIVISION
(PEOPLE)**

Petition for review denied

S258968 C086487 Third Appellate District **WILLIAMS (WILFERT) v.
SACRAMENTO RIVER CATS
BASEBALL CLUB, LLC**

Petition for review denied

S258972 B294169 Second Appellate District, Div. 2 **PEOPLE v. ROBINSON
(KENYUN DASHAWN)**

Petition for review denied

S258981 B291435 Second Appellate District, Div. 2 **GOLDMAN (NICOLE &
TODD), MARRIAGE OF**

Petition for review & publication request(s) denied

S258983 G056722 Fourth Appellate District, Div. 3 **IBBETSON (BRUCE) v.
GRANT (WILLIAM)**

Petition for review denied

S258984 B292472/B294638 Second Appellate District, Div. 2 **GOLDMAN (NICOLE &
TODD), MARRIAGE OF**

Petition for review & publication request(s) denied

S258988 B291899 Second Appellate District, Div. 1 **PEOPLE v. ORTEGA
(ANTHONY NICHOLAS
JAMES)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S258993 **DEVILLE (FRANK) v. COURT
OF APPEAL, SECOND
APPELLATE DISTRICT,
DIVISION FIVE (BLOCH)**

Petition for writ of mandate/prohibition denied

S258996	B293387 Second Appellate District, Div. 2	PEOPLE v. RAVERT (CHARLES SHANNON)
Petition for review denied		
S259002	A150472/A155182 First Appellate District, Div. 3	PEOPLE v. SANTAY (FELIX HERNANDEZ)
Petition for review denied		
S259003	H044374 Sixth Appellate District	KHANNA (VINCE) v. SONASOFT CORPORATION
Petition for review denied		
S259020	B293095 Second Appellate District, Div. 2	PEOPLE v. WEBBER (ETHAN DREW)
Petition for review denied		
S259022	B301610 Second Appellate District, Div. 3	HUNTER (MASTIN RAY) ON H.C.
Petition for review denied		
S259032	B301606 Second Appellate District, Div. 5	YEAGER-REIMAN (CHARLES) v. S.C. (PEOPLE)
Petition for review denied		
S259038	C079402 Third Appellate District	PEOPLE v. SANDHU (SARBJIT SINGH)
Petition for review denied		
S259040	B301646 Second Appellate District, Div. 2	GARRETT (CRAIG K.) ON H.C.
Petition for review denied		
S259041	B292081 Second Appellate District, Div. 7	PEOPLE v. WILSON (KENNETH ROY)
Petition for review denied		

S259055 H047111 Sixth Appellate District

**L. (A.) v. S.C. (MONTEREY
COUNTY DEPARTMENT OF
SOCIAL SERVICES)**

Petition for review & application for stay denied

S259133

**SCOTT (DEIWUAN
ORLANDO) v. COURT OF
APPEAL, FIFTH APPELLATE
DISTRICT (PEOPLE)**

Petition for writ of mandate/prohibition & application for stay denied

S259247

**CIOTTA (STEVEN ALLEN) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION ONE
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S259273

**MITCHELL, JR., (WILLIE
LEE) v. S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

S259309 A143974/A147800/A148454
First Appellate District, Div. 2

**ANDERSON (ROB) v. CITY &
COUNTY OF SAN
FRANCISCO**

Petition for review & application for stay denied

S254840

**WILLIAMS (MICHAEL
DEONTRAY) ON H.C.**

Petitioner's "Application to File Exhibits 11, 14, 16 and Petition for Writ of Habeas Corpus Conditionally Under Seal," filed on March 22, 2019, is granted. The clerk is directed to publicly file "Exhibits in Support of Petition for Writ of Habeas Corpus Exhibits 1-25, Pages 5-377, Public- Redacts from Conditionally Sealed Record" and "Petition for Writ of Habeas Corpus, Public- Redacted Version," received on March 22, 2019. The clerk is further directed to file under seal "Exhibits 11, 14, 16 and Page 23 in Support of Petition for Writ of Habeas Corpus, Pages 4-24, Conditionally Under Seal" and "Unredacted Petition for Writ of Habeas Corpus, Conditionally Filed Under Seal," each received on March 22, 2019.

The petition for writ of habeas corpus is denied.

S255285**LEGARDY (RONALD EARL)
ON H.C.**

Petition for writ of habeas corpus denied

S257353**LOCKHEART (JAMES) ON
H.C.**

Petition for writ of habeas corpus denied

S257491**TURNER (EDWIN) ON H.C.**

Petition for writ of habeas corpus denied

S257582**RUIZ-FIGUEROA (MIGUEL
ANGEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].)

S257685**FALCON (DAVID A.) ON H.C.**

Petition for writ of habeas corpus denied

S257765**CALDERON (ROLANDO) 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 *People v. Lopez*, S258175.

S257913**McCOLLUM (JAYMES T.) ON
H.C.**

Petition for writ of habeas corpus denied

S257915**McCOY (LaKEITH LeROY)
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 *People v. Lopez*, S258175.

S258004**KITCHEN (RAJI M.) ON H.C.**

Petition for writ of habeas corpus denied

S258025**SAXTON (TYREE LATEF)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

S258027**CARDENAS, JR., (DANNY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S258198**ALBERTS (ANTHONY
PARIS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Villa* (2009) 45 Cal.4th 1063, 1066 [habeas corpus relief is unavailable where the petitioner is not in the custody of California authorities as a result of the challenged conviction].)

S258206**RAYFORD (TYLER) ON H.C.**

Petition for writ of habeas corpus denied

S258210**CABRERA (JOSE) ON H.C.**

Petition for writ of habeas corpus denied

S258270**MARTINEZ (JOSE ELIAS)
ON H.C.**

Petition for writ of habeas corpus denied

S258273**HOARE (ROBERT
TEODORE) ON H.C.**

Petition for writ of habeas corpus denied

S258279**DeVAUGHN (MICHAEL O.)
ON H.C.**

Petition for writ of habeas corpus denied

S258284

Petition for writ of habeas corpus denied

VIRGIN (JOSE) ON H.C.**S258290**

Petition for writ of habeas corpus denied

**MARTINEZ-COSTA (CLEO)
ON H.C.****S258316**

Petition for writ of habeas corpus denied

**McKIE (JAJUAN DARSAL)
ON H.C.****S258323****JUAREZ (GILBERTO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].) Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S258328

Petition for writ of habeas corpus denied

COOPER (DAN H.) ON H.C.**S258362**

Petition for writ of habeas corpus denied

GOMEZ (THOMAS) ON H.C.**S258365**

Petition for writ of habeas corpus denied

**HIPOLITO (RAMON
SANTOS) ON H.C.**

S258368**OLIPHANT (CHRISTOPHER L.) ON H.C.**

Petition for writ of habeas corpus denied

S258369**GEFFEN (ERIC) ON H.C.**

Petition for writ of habeas corpus denied

S258375**JEFFRIES (ALLEN LYNN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].) Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S259251**ALLEN (CHARLES) ON H.C.**

The petition for writ of habeas corpus filed November 20, 2019, is denied as moot in light of the order filed this date in *People v. Allen*, S259024.

S258791

B281175 Second Appellate District, Div. 1

PEOPLE v. CADENA (BONIFACIO CRUZ)

Depublication ordered (case closed)

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed on August 27, 2019, which appears at 39 Cal.App.5th 176. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(1).) The court declines to review this matter on its own motion. The matter is now final.

S258399

A147670 First Appellate District, Div. 4

HASHIM (AARON) v. YEE (BETTY T.)

Publication request denied (case closed)

S258414 A149383 First Appellate District, Div. 4

**SHEFA LMV, LLC v.
CONCEPT II COSMETICS,
LLC; HELD (ANTHONY E.)**

Publication request denied (case closed)
Chin, J., was recused and did not participate.

S258463 B280021 Second Appellate District, Div. 3

**LOS ANGELES TIMES
COMMUNICATIONS LLC v.
SOUTHERN CALIFORNIA
REGIONAL RAIL
AUTHORITY**

Publication request denied (case closed)

S258521 G056463 Fourth Appellate District, Div. 3

**RANDALL (PATRICIA L.) v.
VEROS CREDIT, LLC**

Publication request denied (case closed)

S258625 E069998 Fourth Appellate District, Div. 2

**GATES (DAVID); BRUCE
(GAGE) v. BLAKEMORE
(MICHELLE); PAGE (BOB)**

Depublication request denied (case closed)

The requests for an order directing depublication of the opinion in the above-entitled matter are denied. The court declines to review this matter on its own motion. The matter is now final.

S142959

**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Donald Young, it is ordered that the time to serve and file appellant's opening brief is extended to February 18, 2020 .

S142959**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Timothy Young, it is ordered that the time to serve and file appellant's opening brief is extended to February 18, 2020.

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

Extension of time granted

Based upon counsel Charles M. Bonneau, Jr.'s representation that the appellant's reply brief is anticipated to be filed by February 15, 2020, an extension of time in which to serve and file that brief is granted to February 4, 2020. After that date, only one further extension totaling about 12 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).)

S182278**PEOPLE v. NELSON (TANYA
JAIME)**

Extension of time granted

Based upon counsel Andrew Parnes's representation that the appellant's reply brief is anticipated to be filed by October 19, 2020, an extension of time in which to serve and file that brief is granted to February 14, 2020. After that date, only four further extensions totaling about 246 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).)

S188156**TAYLOR (BRANDON
ARNAE) ON H.C.**

Extension of time granted

Based upon counsel John Lanahan's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by August 10, 2020, an extension of time in which to serve and file that document is granted to February 11, 2020. After that date, only three further extensions totaling about 180 additional days are contemplated.

S204700**THOMAS (REGIS DEON) ON
H.C.**

Extension of time granted

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 March 16, 2020, an extension of time in which to serve and file that document is granted to February 14, 2020. After that date, only one further extension totaling about 30 additional days is contemplated.

S210054**PEOPLE v. CERVANTES
(DANIEL) & CONTRERAS
(CARLOS)**

Extension of time granted

Upon application of Supervising Deputy State Public Defender Nina Wilder, counsel for appellant Carlos Contreras, an extension of time in which to serve and file appellant Contreras's opening brief granted to February 3, 2020. After that date only five further extensions totaling about 268 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).)

S210054**PEOPLE v. CERVANTES
(DANIEL) & CONTRERAS
(CARLOS)**

Extension of time granted

Upon application of Richard Jay Moller, counsel for appellant Daniel Cervantes, an extension of time in which to serve and file appellant Cervantes's opening brief is granted to February 3, 2020. After that date only five further extensions totaling about 268 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).)

S224393**PEOPLE v. HARTS (TYRONE
LEVOID)**

Extension of time granted

Based upon counsel Rudolph J. Alejo's representation that the appellant's opening brief is anticipated to be filed by August 8, 2020, an extension of time in which to serve and file that brief is granted to February 11, 2020. After that date, only three further extensions totaling about 180 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).)

S226030

**PEOPLE v. CORONADO, JR.,
(JUAN RAMON)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to February 10, 2020.

S232318

**PEOPLE v. MERCADO
(JOSEPH)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to February 11, 2020.

S256914 A155955 First Appellate District, Div. 3

**FRIEND (JACK WAYNE) ON
H.C.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 10, 2020.
No further extensions are contemplated.

S259004 A146586 First Appellate District, Div. 4

**NAPA, COUNTY OF v.
SILVER (BRIAN R.)**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to December 11, 2019.

S257996 F075561 Fifth Appellate District

**PEOPLE v. JOHNSON (PAUL
ALLEN)**

Counsel appointment order filed

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

S258256 F075301 Fifth Appellate District**PEOPLE v. AYALA
(GILBERT MICHAEL)**

Counsel appointment order filed

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

S037625**PEOPLE v. HARRIS (LANELL
CRAIG)**

Record ordered unsealed

Petitioner's "Motion for Order Unsealing Portion of Clerk's Transcript on Appeal," filed on August 22, 2019, is construed as a motion for an order to inspect and copy sealed materials and is granted in part and denied in part as follows. The Habeas Corpus Resource Center is granted access to the following sealed materials contained in Sealed Volume III of the Clerk's Transcript in the record in *People v. Harris* (S037625): (1) Numerous letters written to the trial judge by various individuals on behalf of petitioner (Vol. III CT 500-527); (2) "Los Angeles Police Department Follow-up Investigation" (Vol. III CT 532-550); and (3) Probation officer's report and "Recommended Terms and Conditions of Probation/Terms of Diversion" (Vol. III CT 551-561). Regarding pages 528-531 of Volume III, materials related to a hardship excusal request of a juror, the motion is denied without prejudice to making a renewed motion in the superior court.

Counsel must supply the personnel and equipment necessary to undertake the review and copying of the records to which access is granted. The review and copying must occur on the premises of the court. Counsel must not release or cause to be released any of the sealed or confidential material or any of the information contained therein to anyone other than counsel's agents without a prior order of this court.

S055415**PEOPLE v. COWAN
(ROBERT WESLEY)**

Motion for access to sealed record granted

Condemned inmate Robert Wesley Cowan's "Motion to Authorize Inspection and Copying of Confidential Materials," filed on August 1, 2019, is granted in part and denied in part as follows. Cowan's counsel, the Federal Public Defender for the Eastern District of California (FPD), is granted access to the sealed and confidential materials contained in the record in *People v. Cowan* (S055415) except (1) the key to sworn juror-identifying information; (2) juror key (Kern County Jury List); (3) probation report of Gerald Thomas Cowan; and (4) unredacted reporter's transcript of voir dire of sworn jurors (April 9, 10, 17, 22, 30; May 1, 7, 13, and 15, 1996). The denial of access is without prejudice to making a renewed motion in the superior court.

Counsel must supply the personnel and equipment necessary to undertake the review and copying of the records to which access is granted. The review and copying must occur on the premises of

the court. Counsel must not release or cause to be released any of the sealed or confidential material or any of the information contained therein to anyone other than counsel's agents without a prior order of this court.

S257074**SHAW GUTIERREZ
(ARTURO FERNANDO) ON
H.C.**

Motion to file document under seal granted

Petitioner's "Application to File Under Seal" filed on November 5, 2019, is granted as follows. The request to file "1 CT 54-240; 2 CT 241-540; 3 CT 541-655 and the petition for writ of habeas corpus" under seal is granted.

S259011 B295555 Second Appellate District, Div. 6 **G. (O.) v. S.C. (PEOPLE)**
Order filed

On November 26, 2019, the court granted the petitions for review in *O.G. v. Superior Court* (S259011), *People v. Superior Court (G.G.)* (S259048), *People v. Superior Court (I.R.)* (S257773), *People v. Superior Court (S.L.)* (S258432), and *People v. Superior Court (T.D.)* (S257980). At this time, the court designates *O.G.* the lead case and defers further action in *G.G.*, *I.R.*, *S.L.*, and *T.D.* pending consideration and disposition of related issues in *O.G.* or pending further order of the court. (Cal. Rules of Court, rule 8.512(d)(2).)

S256727**ACCUSATION OF BISHARA**

Petition denied (accusation)

S258697**ACCUSATION OF HENDRIX**

Petition denied (accusation)

S258974**ACCUSATION OF HALLETT**

Petition denied (accusation)

S258057**McDOUGALL IV ON
DISCIPLINE**

Recommended discipline imposed

The court orders that HAROLD AUGUSTUS MCDUGALL IV (Respondent), State Bar Number 234972, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 15, 2019; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 15, 2019. 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.

S258058**MARTIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that HIRAM MICHAEL MARTIN (Respondent), State Bar Number 54062, is summarily disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S258060**Van PARYS ON DISCIPLINE**

Recommended discipline imposed

The court orders that NICHOLAS H. Van PARYS (Respondent), State Bar Number 242234, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of probation;
2. Respondent 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 August 19, 2019; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 19, 2019. 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. One-half of the costs must be paid with Respondent's annual fees for each of the years 2021 and 2022. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S258061**HANLEY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that TERRI RAYNELL HANLEY (Respondent), State Bar Number 199811, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S258062**HARRIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that JEFFREY L. HARRIS (Respondent), State Bar Number 281778, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 30 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 8, 2019; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions

of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Decision filed on July 8, 2019. 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.

S258064**KATZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHARLES JOSHUA KATZ (Respondent), State Bar Number 68459, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 11, 2019; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the 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.

S258121**TURAJSKI ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID TURAJSKI (Respondent), State Bar Number 155885, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S258122**RYAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD ALAN RYAN (Respondent), State Bar Number 154995, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of probation;
2. Respondent 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 August 19, 2019; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 19, 2019. 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.

S258159**CHAMP ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL WAYNE CHAMP (Respondent), State Bar Number 95784, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S258160**GEILIM-MORALES ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GILBERT RALPH GEILIM-MORALES (Respondent), State Bar Number 117508, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- (1) County of San Bernardino in the amount of \$5,936.16 plus 10 percent interest per year from October 30, 2013;
- (2) Golden Pear Funding in the amount of \$60,000 plus 10 percent interest per year from June 13, 2018, or another amount which has been agreed upon by Golden Pear Funding and Respondent to extinguish the lien as to client Mario Villegas; and
- (3) Golden Pear Funding in the amount of \$25,000 plus 10 percent interest per year from June 18, 2018, or another amount which has been agreed upon by Golden Pear Funding and Respondent to extinguish the lien as to client Calvin Harrison.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Respondent 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.

S258161**GRECO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that VICKI GRECO (Respondent), State Bar Number 225838, is summarily disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S258162**GULDEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL JOSEPH GULDEN (Respondent), State Bar Number 243383, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- (1) Zarina Karim in the amount of \$9,000 plus 10 percent interest per year from March 30, 2016;
- (2) Robin Steffen in the amount of \$5,520 plus 10 percent interest per year from June 30, 2017;
- (3) Eric Gwizdala in the amount of \$4,860 plus 10 percent interest per year from June 30, 2017; and
- (4) Joseph Atkins in the amount of \$2,820 plus 10 percent interest per year from August 16, 2017.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Respondent 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.

S258330**STEIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DOUGLAS EDWARD STEIN (Respondent), State Bar Number 131248, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S258331**RANDAZZA ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARC JOHN RANDAZZA (Respondent), State Bar Number 269535, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 13, 2019; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 13, 2019. 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.

S258333**BERNARDO ON DISCIPLINE**

Recommended discipline imposed

The court orders that JUAN MIQUEL BERNARDO (Respondent), State Bar Number 276675, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first six months of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent makes restitution to Alan Alves, or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$1,500 plus 10 percent interest per year from October 2, 2015 (or reimburses the Client Security Fund to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. If Respondent remains suspended for two years or longer as a result of not satisfying the preceding requirement, Respondent must also provide proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1)).
2. Respondent 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 August 20, 2019.

3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent 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 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. (Cal. Rules of Court, rule 9.10(b).)

Respondent 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.

Respondent must also maintain the records of compliance as required by the conditions of probation.

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 Respondent's annual fees for each of the years 2021 and 2022. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S258334

**COLERIDGE ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PETER JOHN COLERIDGE (Respondent), State Bar Number 170037, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- (1) Francisco Aleman in the amount of \$1,000 plus 10 percent interest per year from August 21, 2015; and
- (2) Joel Steffensen in the amount of \$3,500 plus 10 percent interest per year from September 22, 2016.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Respondent 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.

S258335**DEVEREUX ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL SEAN DEVEREUX (Respondent), State Bar Number 225240, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 23, 2019; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 23, 2019. 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.

S258336**DIAB ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that TONY M. DIAB (Respondent), State Bar Number 277343, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys. Respondent must 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.

S258337**ESPOSITO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that EDWARD LOUIS ESPOSITO (Respondent), State Bar Number 166089, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S258339**LINGWOOD ON DISCIPLINE**

Recommended discipline imposed

The court orders that RITA MAE LINGWOOD (Respondent), State Bar Number 214145, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of her probation (with credit for the period of her inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), between August 20, 2018, and August 27, 2019).
2. Respondent must also comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on August 27, 2019.
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Review Department in its Opinion filed on August 27, 2019. Failure to do so may result in automatic 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.

S258388**ROY III ON DISCIPLINE**

Recommended discipline imposed

The court orders that DERIK JUSTIN ROY III (Respondent), State Bar Number 264052, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first year of probation, and Respondent will remain suspended until providing proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on August 19, 2019.
3. At the expiration of the period of probation, if Respondent has complied with all conditions

of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Decision filed on August 19, 2019. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent 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.

Respondent must also maintain the records of compliance as required by the conditions of probation.

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.



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 7, 2020**

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 January 7, 2020.

TUESDAY, JANUARY 7, 2020 — 9:00 A.M.

- (1) Montrose Chemical Corporation of California v. Superior Court of Los Angeles County (Canadian Universal Insurance Company, Inc., et al., Real Parties in Interest), S244737 (*Chin and Corrigan, JJ., not participating; Elia and Brown, JJ., assigned justices pro tempore*)
- (2) Rockefeller Technology Investments (Asia) VII v. Changzhou Sinotype Technology Co., Ltd., S249923
- (3) Kim (Justin) v. Reins International California, Inc., S246911

1:30 P.M.

- (4) People v. Bullard (Julian Micah), S239488
- (5) People v. Fayed (James Michael), [Automatic Appeal], S198132
- (6) People v. Orozco (Ernest), S249495

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).)