

**SUPREME COURT MINUTES  
WEDNESDAY, DECEMBER 21, 2016  
SAN FRANCISCO, CALIFORNIA**

**S238001**      A144252 First Appellate District, Div. 5      **T-MOBILE WEST LLC v.  
CITY & COUNTY OF SAN  
FRANCISCO**

Petition for review granted

The requests to appear as counsel pro hac vice are granted.

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

**S222732**      B249546 Second Appellate District, Div. 7      **DYNAMEX OPERATIONS  
WEST, INC. v. S.C. (LEE)**

Supplemental briefing ordered

This matter, in which review has been granted, presents the following issue: In a wage and hour class action involving claims that the plaintiffs are misclassified as independent contractors, may a class be certified based on the Industrial Welfare Commission definitions as construed in *Martinez v. Combs* (2010) 49 Cal.4th 35 (*Martinez*), or should the common law test for distinguishing between employees and independent contractors discussed in *S.G. Borello & Sons, Inc. v. Dept. of Industrial Relations* (1989) 48 Cal.3d 341 (*Borello*), control?

The court requests the parties in the above entitled matter to file supplemental briefs addressing the following question: In resolving the above issue, what relevance, if any, should the court give to the Division of Labor Standards Enforcement (DLSE) Enforcement Policies and Interpretations Manual (2002 update as revised March 2006) <available at

[www.dir.ca.gov/dlse/DLSE\\_EnfcManual2012.pdf](http://www.dir.ca.gov/dlse/DLSE_EnfcManual2012.pdf)> and, in particular, to the sections of the manual that discuss the independent contractor/employee distinction (§§ 2.2, 2.2.1, 28-28.4.2.4)? Amici curiae who have filed briefs in this matter may also file supplemental briefs addressing the above question if they so choose. In addition, the court requests the Division of Labor Standards Enforcement to file a brief addressing the above question.

All initial briefs addressing the above question must be served and filed simultaneously on or before January 20, 2017. Any reply to the supplemental briefs must be served and filed on or before February 6, 2017.

**S230051**      A144315 First Appellate District, Div. 5      **FACEBOOK INC. v. S.C.  
(HUNTER)**

Supplemental briefing ordered

The parties are directed to address the proper construction of 18 United States Code, section

2702(a)(1) and (2), part of the Stored Communications Act (SCA), in light of (i) that provision's language; (ii) other language in the Electronic Communications Privacy Act of 1986, of which the SCA is itself a part; (iii) the legislative history of the Acts as reflected in reports by the respective congressional judiciary committees; and (iv) case law construing section 2702(a)(1) and (2) in light of the language and legislative history of the Acts.

Specifically, the parties shall address whether section 2702(a)(1) and (2) should be construed to apply to only those communications that were, when sent, configured to be private - e.g., restricted to "followers" or "friends" - and not to communications that were, when sent, configured to be public, and hence generally accessible to the public. (See, e.g., 18 U.S.C. § 2511(a)(g)(i); House of Representatives Com. on Jud. Rep. No. 99-647 (June 19, 1986); Senate Com. on Jud. Rep. No. 99-541 (Oct. 17, 1986); *Konop v. Hawaiian Airlines, Inc.* (9th Cir. 2002) 302 F.3d 868; *Snow v. Direct TV, Inc.* (11th Cir. 2006) 450 F.3d 1314; *Viacom Int'l Inc. v. YouTube Inc.* (S.D.N.Y. 2008) 253 F.R.D. 256; *Crispin v. Christian Audigier* (C.D. Cal. 2010) 717 F.Supp.2d 965; *Ehling v. Monmouth-Ocean Hospital Service Corp.* (D.N.J. 2013) 961 F.Supp.2d 659; cf. *People v. Harris* (Crim. Ct. N.Y. 2012) 949 N.Y.S.2d 590.)

Simultaneous briefs by the parties addressing this issue are to be served and filed by January 23, 2017. Simultaneous response briefs may be served and filed by February 6, 2017. Amicus curiae, including those who have submitted briefs in this matter, may also serve and file a brief by the later date.

**S238365** F070993 Fifth Appellate District

**PEOPLE v. MARTINEZ (ERIC LEE)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Romanowski*, S231405 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

**S238410** G051524 Fourth Appellate District, Div. 3

**PEOPLE v. NGUYEN (LAP PHUONG)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Romanowski*, S231405 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

**S238423** B264142 Second Appellate District, Div. 3

**PEOPLE v. VELASQUEZ (RENE)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Valenzuela*, S232900 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

**S237740**      B264801 Second Appellate District, Div. 2      **PEOPLE v. ROBINSON  
(KENYUN DASHAWN)**

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

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Third Division, with directions to vacate its decision and reconsider the cause in light of *Montgomery v. Louisiana* (2016) 577 U.S. \_\_\_, 136 S.Ct. 718, 732-735. (Cal. Rules of Court, rule 8.528(d).)

Votes: Cantil-Sakauye, C. J., Werdegar, Liu, Cuéllar, and Kruger, JJ.

**S237193**      **THOMAS, SR., (ALDEN A.) v.  
SUPREME COURT OF  
CALIFORNIA (PEOPLE)**

Petition for writ of mandate/prohibition denied

**S237517**      B267529 Second Appellate District, Div. 5      **PEOPLE v. WHITE (ROBERT  
EARL)**

Petition for review denied

**S237788**      B260191 Second Appellate District, Div. 6      **PEOPLE v. MACIAS  
(RAYMOND DANIEL)**

Petition for review denied

**S237802**      B267326 Second Appellate District, Div. 5      **PEOPLE v. FACUSSE  
(PIERRE)**

Petition for review denied

**S237844**      C081540 Third Appellate District      **PEOPLE v. WILKINSON  
(TODD MARTIN)**

Petition for review denied

**S237847**      A143369 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SIBRIAN  
(HENRY)**

**S237924**      B266125 Second Appellate District, Div. 2

Petition for review denied

**KINNEY (CHARLES) v.  
CLARK (MICHELLE)**

**S237957**      B262716 Second Appellate District, Div. 3

The petitions for review are denied.

The request for an order directing publication of the opinion is denied.

**HEALTH NET, INC. v.  
AMERICAN  
INTERNATIONAL  
SPECIALTY LINES  
INSURANCE COMPANY**

**S237982**      F070035 Fifth Appellate District

Petition for review denied

**PEOPLE v. BONILLA  
(NEFTALI)**

**S237984**      A144207 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. DELGADILLO  
(ANDREW)**

**S237990**      D071126 Fourth Appellate District, Div. 1

Petition for review denied

**CECENA (JESUS) ON H.C.**

**S238012**      A138713 First Appellate District, Div. 3

Petitions for review denied

**PEOPLE v. TITLOW  
(CHARLES MICHAEL)**

**S238016**      B259818 Second Appellate District, Div. 3

Petition for review denied

**LOS ANGELES, CITY OF v.  
AHIR (MANOJ RAMU)**

<b>S238045</b>	B269402 Second Appellate District, Div. 1	<b>WASSIELY (GAMIEL A.), CONSERVATORSHIP OF</b>
Petition for review & publication request(s) denied		
<b>S238082</b>	A144843 First Appellate District, Div. 3	<b>PEOPLE v. CILLUFFO (THOMAS JOSEPH)</b>
Petition for review denied		
<b>S238086</b>	B260481 Second Appellate District, Div. 1	<b>PEOPLE v. STEPHENSON (JEREMY)</b>
Petition for review denied		
<b>S238110</b>	B278167 Second Appellate District, Div. 1	<b>VAN HOUTEN (LESLIE) ON H.C.</b>
Petition for review denied		
<b>S238117</b>	C081334 Third Appellate District	<b>PEOPLE v. McKINNEY (ALONZO)</b>
Petition for review denied		
<b>S238131</b>	B266164 Second Appellate District, Div. 1	<b>PEOPLE v. DURANT (ARMAN JAMAL)</b>
Petition for review denied		
<b>S238136</b>	B266660 Second Appellate District, Div. 1	<b>616 CROFT AVE., LLC v. CITY OF WEST HOLLYWOOD</b>
Petition for review denied		
<b>S238137</b>	G053068 Fourth Appellate District, Div. 3	<b>VERIO HEALTHCARE, INC. v. S.C. (SG HOMECARE, INC.)</b>
Petition for review & depublication request(s) denied		

**S238145** A143072 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CONNORS  
(JOSEPH T.)**

**S238149** B265880 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. KYLE (ALBERT  
DWAYNE)**

**S238152** B264932 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CORTEZ  
(WILLIAM G.)**

**S238163** E067039 Fourth Appellate District, Div. 2

Petition for review denied

**BARRERA (CHAD PATRICK)  
v. S.C. (PEOPLE)**

**S238177** B264692 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. BRIGHT (CARL)**

**S238187** B278406 Second Appellate District, Div. 8

Petition for review denied

**LOPEZ (DIANA JIMENEZ) v.  
S.C. (PEOPLE)**

**S238205** B277371 Second Appellate District, Div. 4

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Butler*, S237014.

**DAVIS (BRUCE) ON H.C.**

**S238214** A145844 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. HIDAS (LESLIE  
ROBERT)**

**S238223** B263039 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. CURRY  
(JONATHAN)**

**S238225** F069276 Fifth Appellate District

Petition for review denied

**PEOPLE v. CAVAZOS  
(RONNIE JAVIER)**

**S238253** H042385 Sixth Appellate District

Petition for review denied

**PEOPLE v. CONNORS  
(JAMES)**

**S238256** A147025 First Appellate District, Div. 5

Petition for review denied

**LAN (TOM) v. COMCAST  
CORPORATION LLC**

**S238265** E067023 Fourth Appellate District, Div. 2

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Butler*, S237014.

**KUTYLO (STEVEN) ON H.C.**

**S238281** D068525 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BOEGEMAN  
(CHRISTOPHER)**

**S238289** B262485 Second Appellate District, Div. 1

Petitions for review denied

**WERTHEIM, LLC v.  
OMIDVAR (PARVIZ)**

**S238290** H041643 Sixth Appellate District

Petition for review denied

**PEOPLE v. ALANIZ (ADRIAN  
GUIZAR)**

**S238291** C079722 Third Appellate District

Petition for review denied

**PEOPLE v. BEACH (NANCY  
JO)**

**S238297** B267355 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. PACHECO  
(DANIEL)**

<b>S238306</b>	B264929 Second Appellate District, Div. 7	<b>PEOPLE v. ALLEE (PAUL MATHEW)</b>
Petition for review denied		
<b>S238312</b>	E064823 Fourth Appellate District, Div. 2	<b>PEOPLE v. HERNANDEZ (GABRIEL LOUIS)</b>
Petition for review denied		
<b>S238334</b>	E063924 Fourth Appellate District, Div. 2	<b>PEOPLE v. BATRES (CHRISTOPHER ERIC)</b>
Petition for review denied		
<b>S238341</b>	B267211 Second Appellate District, Div. 1	<b>SALAZAR (CARLA) v. EASTER SEALS SOUTHERN CALIFORNIA, INC.</b>
Petition for review & publication request(s) denied		
<b>S238342</b>	B263935 Second Appellate District, Div. 7	<b>PEOPLE v. AGUILAR (JOSE DEJESUS SANTANA)</b>
Petition for review denied		
<b>S238348</b>	G050801 Fourth Appellate District, Div. 3	<b>PEOPLE v. VAQUERA (OSCAR MANUEL)</b>
Petition for review denied		
<b>S238349</b>	E063330 Fourth Appellate District, Div. 2	<b>PEOPLE v. BELL (GARY)</b>
Petition for review denied		
<b>S238351</b>	C079371 Third Appellate District	<b>PEOPLE v. CISNEROS (SABAS)</b>
Petition for review denied		
<b>S238352</b>	C076278 Third Appellate District	<b>PEOPLE v. GANOE (JOHN ROBERT)</b>
Petition for review denied		



**S238357** B266061 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. GOODRIDGE  
(OLIVER DELANO)**

**S238360** B261486 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. HERNANDEZ  
(CHRISTIAN)**

**S238364** F070345 Fifth Appellate District

Petition for review denied

**PEOPLE v. DONOVAN  
(JEREMIAH JAMES)**

**S238370** C074941 Third Appellate District

Petition for review denied

**PEOPLE v. SPENCE  
(GERALD)**

**S238371**

Petition for writ of mandate/prohibition denied

**B. (R.) v. COURT OF APPEAL,  
FOURTH APPELLATE  
DISTRICT, DIVISION TWO  
(PEOPLE)**

**S238378** G052046 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SAOLE (PAUL)**

**S238387** C073867 Third Appellate District

Petition for review denied

**MAKO INVESTMENTS, LLC  
v. WEST COAST  
CONTRACTORS OF  
NEVADA, INC.; FIDELITY &  
DEPOSIT COMPANY OF  
MARYLAND**

**S238390** B271532 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. ALLEN (KEVIN  
DEAN)**

**S238391** C080928 Third Appellate District

Petition for review denied

The application to appear as counsel pro hac vice is granted.

**AGUAYO (NICOLE J.) v.  
TOPOL (VIRGINIA)**

**S238396** F071795 Fifth Appellate District

Petition for review denied

**PEOPLE v. BERRIGAN  
(RUSTON CHAD)**

**S238398** C078391 Third Appellate District

Petition for review denied

**PEOPLE v. WILLIAMS  
(DAVID RAY)**

**S238399** A143238 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. HERRERA  
(ALEX)**

**S238406** H041111 Sixth Appellate District

Petition for review denied

**PEOPLE v. SUAREZ  
(JOHNNY JOE)**

**S238409** B270252 Second Appellate District, Div. 1

Petition for review denied

**IN RE LOGAN B.**

**S238412**

Petition for writ of mandate/prohibition denied

**BROWNLEE (TERRENCE) v.  
COURT OF APPEAL, FIFTH  
APPELLATE DISTRICT (S.C.)**

**S238414** D070065 Fourth Appellate District, Div. 1

Petition for review denied

**IN RE S.P.**

**S238418** D068596 Fourth Appellate District, Div. 1

Petition for review denied

**T. (V.) v. T. (M.)**

**S238428** D071270 Fourth Appellate District, Div. 1

Petition for review denied

**RILEY (AMBER ROSE) ON  
H.C.**

**S238429** H042806 Sixth Appellate District

Petition for review denied

**PEOPLE v. DEVRIES  
(JEREMY MATTHEW)**

**S238431** B265538 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. ANDERSON  
(DEVION KEITH)**

**S238433** B269023 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. CUEVAS  
(SAMUEL G.)**

**S238435** E063743 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CASTILLO (VAN  
NIMROD)**

**S238451** C075948 Third Appellate District

Petition for review denied

**YASNY (RON) v. COUNTY OF  
SACRAMENTO**

**S238452** H044055 Sixth Appellate District

Petition for review denied

**GARCIA (ESEQUIEL PAUL)  
v. S.C. (McDOWELL)**

**S238456** B267237 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. DENNIS (KEITH  
D.)**

**S238465** A145575 First Appellate District, Div. 2

Petition for review denied

**BUILDING INDUSTRY  
ASSOCIATION - BAY AREA  
v. CITY OF SAN RAMON**

**S238467**      B265707 Second Appellate District, Div. 7      **PEOPLE v. HERRAN (NICK J.)**

Petition for review denied

**S238469**      C080333 Third Appellate District      **PEOPLE v. SHAW (RANDY)**  
Petition for review denied

**S238540**      C080969 Third Appellate District      **PEOPLE v. GALLEGOS (GABRIEL MARTINEZ)**  
Petition for review denied

**S238840**      A149436 First Appellate District, Div. 2      **TORRES (ELSA) v. S.C. (OLD REPUBLIC TITLE COMPANY)**  
Petition for review & application for stay denied

**S236105**      **HUMES (LAWRENCE LIVINGSTON) ON H.C.**  
Petition for writ of habeas corpus denied

**S236581**      **DOUCET (ALCIDE) ON H.C.**  
Petition for writ of habeas corpus denied

**S236798**      **WARD (TOMMY LEWIS) ON H.C.**  
Petition for writ of habeas corpus denied

**S237367**      **DENHAM (PAUL JOHN) ON H.C.**  
Petition for writ of habeas corpus denied

**S237839**      **CLEVELAND (ROBERT) ON H.C.**  
The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734, 735.)

**S237840****DeAQUINO (EFRAIN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S237875****PARADA (WESLEY  
HERRERA) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S238008****McROY (MARKO D.) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)**S238020****PARK (SUNG HO) ON H.C.**

Petition for writ of habeas corpus denied

**S238027****GOFF (HAROLD) ON H.C.**

Petition for writ of habeas corpus denied

**S238039****ANDERSON (SAMUEL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S238053****BUCKELS (DARRYL C.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S238055****MOORE (ALDEN L.) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S238056****RIOS (ULYSSES  
ALEXANDER) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

**S238057****LEWIS (PAUL DIXON) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S238122****TOPETE (CLAUDIA) ON H.C.**

Petition for writ of habeas corpus denied

**S238157****CYRUS (MICHAEL DEAN)  
ON H.C.**

Petition for writ of habeas corpus denied

**S238159****RISCH (JEFFREY S.) ON H.C.**

Petition for writ of habeas corpus denied

**S238174****PACE (CHRISTOPHER) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S238176****TRIGEROS (JOSEPH) ON  
H.C.**

Petition for writ of habeas corpus denied

**S238178****COSTON (DANNY MURPHY)  
ON H.C.**

Petition for writ of habeas corpus denied

**S238179****SULLIVAN (RANDY) ON H.C.**

Petition for writ of habeas corpus denied

**S238180****PHILLIPS (DARRYL KEITH)  
ON H.C.**

Petition for writ of habeas corpus denied

**S238197****McROY (MARKO D.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S238213****MURRAY (SIRRELL  
DARNELL) ON H.C.**

Petition for writ of habeas corpus denied

**S238219****SAUCEDO (MARCO A.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S238250****CLARK (STEVEN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S238251****SCOTT, SR., (JEROME N.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 797-798; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S238252****TURNER, JR., (STEVEN  
DEON) ON H.C.**

Petition for writ of habeas corpus denied

**S238254****SANCHEZ (LUIS C.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S238257****EL-SHADDAI (ADONAI) 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 *Butler on Habeas Corpus*, S237014.

**S238266****AREVALO (ALDO) ON H.C.**

Petition for writ of habeas corpus denied

**S238268****PETERSON (DEMUS  
LUSHAN) ON H.C.**

Petition for writ of habeas corpus denied

**S238287****GREY (ANTUON EUGENE)  
ON H.C.**

Petition for writ of habeas corpus denied

**S238304****LOVETT (EMMA MARYANN  
MARGARET) ON H.C.**

Petition for writ of habeas corpus denied

**S238307****LINDHORST (STEVEN  
MARTIN) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225.)**S238310****HILL (EUGENE) ON H.C.**

Petition for writ of habeas corpus denied

**S238326****TORLUCCI (ARTHUR) ON  
H.C.**

Petition for writ of habeas corpus denied

**S238332****WALKWEK (MARLON  
JAMES) ON H.C.**The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)**S238340****KAMFOLT (RYAN N.) ON  
H.C.**The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S238413****MISSUD (PATRICK A.) ON  
H.C.**

Petition for writ of habeas corpus denied



**S238438****TURNER, JR., (STEVEN  
DEON) ON H.C.**

Petition for writ of habeas corpus denied

**S238449****SOUSA (GREGORY  
RAYMOND) ON H.C.**

Petition for writ of habeas corpus denied

**S238463****CODY (JONATHAN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

**S238512****COUTURIER (ROBERT) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 797-798.)

**S237793**

D069647 Fourth Appellate District, Div. 1

**REGALADO (VICTOR M.) v.  
CALLAGHAN (JEFFERY M.)**

Depublication request denied (case closed)

The requests for an order directing depublication of the opinion or of portions thereof in the above-entitled appeal are denied.

The court declines to review this matter on its own motion. The matter is now final.

**S237915**

B267897 Second Appellate District, Div. 3

**YAROSH (LAURENCE &  
MARIA BLANCO),  
MARRIAGE OF**

Publication request denied (case closed)

**S238054**

D068426 Fourth Appellate District, Div. 1

**MARES (EDWARD D.) v.  
LIEN ENFORCEMENT, INC.**

Publication request denied (case closed)

**S238088**

B263378 Second Appellate District, Div. 5

**GUZMAN (JOSE) v. EVANS  
AUTO CARE, INC.**

Publication request denied (case closed)

**S238185**      B275596 Second Appellate District, Div. 4      **TRUE CRIME, LLC v. S.C. (GREENE)**

Publication request denied (case closed)

**S238216**      A142723 First Appellate District, Div. 2      **HJELM (CHRISTIE) v. PROMETHEUS REAL ESTATE GROUP, INC.**

Depublication request denied (case closed)

The request for an order directing depublication of the opinion in the above-entitled appeal is denied.

The court declines to review this matter on its own motion. The matter is now final.

**S237830**      A145311 First Appellate District, Div. 1      **PEOPLE v. RENZ (ERIC MICHAEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 30, 2017.

**S237847**      A143369 First Appellate District, Div. 1      **PEOPLE v. SIBRIAN (HENRY)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 13, 2017.

**S238084**      A146860 First Appellate District, Div. 4      **PAPAZIAN (GILBERT) v. BLEY & BLEY**

The time for granting or denying review in the above-entitled matter is hereby extended to January 27, 2017.

**S211060**      **PEOPLE v. GALVAN (ROBERT)**

Order appointing State Public Defender filed

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

**S214917**      **PEOPLE v. NASO (JOSEPH)**

Order appointing State Public Defender filed

In California, a criminal defendant has no right to represent himself or herself on appeal. (*People v. Scott* (1998) 64 Cal.App.4th 550; see also *Martinez v. Court of Appeal of Cal., Fourth*

*Appellate Dist.* (2000) 528 U.S. 152.) On the court's own motion, the State Public Defender is hereby appointed to represent appellant Joseph Naso for the direct appeal in the above automatic appeal now pending in this court.

**S167195****VALENCIA (ALFREDO) ON  
H.C.**

Order filed

Petitioner's "Application for Leave to File Two Additional Exhibits in Support of Amended Petition for Writ of Habeas Corpus and Informal Reply," filed on November 7, 2016, is granted. Any supplemental informal response addressing the new exhibits, if respondent chooses to file one, must be served and filed within 30 days of the date of this order; any reply thereto must be served and filed within 30 days thereafter.

**S232568****WALDON (BILLY RAY) ON  
H.C.**

Order filed

By this court's order of September 21, 2016, this court appointed the Honorable Michael Smyth, Judge of the Superior Court of California, County of San Diego, as referee on behalf of this court, in this proceeding pending in this court. The superior court's order of October 19, 2016, purporting to grant a peremptory challenge to Judge Smyth under section 170.6 of the Code of Civil Procedure is hereby vacated because that provision is inapplicable.

Within 14 days from the date of this order, the Office of the State Public Defender may serve and file in this court an objection to the appointment of Judge Smyth as this court's referee in determining whether this court should appoint a guardian ad litem on behalf of petitioner, explaining the basis for any such objection. Respondent may serve and file a response to an objection within 14 days after the objection is filed, and the Office of the State Public Defender may serve and file a reply within 14 days after the response is filed.

**S237709**

H040789 Sixth Appellate District

**BAY AREA CLEAN  
ENVIRONMENT, INC. v.  
COUNTY OF SANTA CLARA  
(LEHIGH SOUTHWEST  
CEMENT COMPANY)**

Order filed

The order filed on December 14, 2016, denying the petition for review is hereby amended to read in its entirety:

The petition for review is denied.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed August 31, 2016, which appears at 2 Cal.App.5th 1197. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)

**S238375**

Petition denied

(accusation)

**ACCUSATION OF FELDMAN****S238407**

Petition denied

(accusation)

**ACCUSATION OF  
RODRIGUEZ-SALINAS****S238416**

Petition denied

(accusation)

**ACCUSATION OF ELERATH****S238448**

Petition denied

(accusation)

**ACCUSATION OF RHODES****S238520**

Petition denied

(accusation)

**ACCUSATION OF RISKIN****C083327**

Third Appellate District

**DAVIS (THEODORE) v.  
WORKERS' COMPENSATION  
APPEALS BOARD**

The above-entitled matter, now pending in the Court of Appeal, Third Appellate District, is transferred to the Court of Appeal, Fifth Appellate District.