

**SUPREME COURT MINUTES  
MONDAY, DECEMBER 24, 2018  
SAN FRANCISCO, CALIFORNIA**

**S219783**      F066798 Fifth Appellate District

**SIERRA CLUB v. COUNTY  
OF FRESNO (FRIANT  
RANCH, L.P.)**

Opinion filed: Affirmed in part, reversed in part

Based on the foregoing analysis, we affirm in part and reverse in part the Court of Appeal's judgment and remand the matter for additional proceedings consistent with this opinion.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Corrigan, Liu, Cuéllar, Kruger, and Robie\*, JJ.

\* Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**S242030**      C082859 Third Appellate District

**AVITIA (LEO BRIAN) v. S.C.  
(PEOPLE)**

Opinion filed: Judgment affirmed in full

We affirm the judgment of the Court of Appeal and vacate the stay we previously imposed.

Majority Opinion by Liu, J.

-- joined by Cantil-Sakauye, C. J., Corrigan, Cuéllar, Kruger, and Rubin\*, JJ.

Concurring Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J.

\* Presiding Justice of the Court of Appeal, Second Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**S252281**

**LEE (KENNY) ON  
CLEMENCY**

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

December 24, 2018

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol Building  
Sacramento, CA 95814

Re: Kenny Lee  
Legal Affairs File No.: COM-3265-17  
Case Number: S252281  
Executive Clemency Number: 1178

Dear Governor Brown:

On the application of Kenny Lee for commutation of sentence, the court, with at least 4 judges concurring, hereby declines to make the recommendation required by Article V, section 8 of the California Constitution for the Governor to grant a commutation of sentence. Pursuant to the justices' determination that, now and hereafter, any such communication to you should note the contrary vote of any justice who elects to have that contrary vote noted, please be advised that Justice Liu voted to make the recommendation required by Article V, section 8 of the California Constitution.

Sincerely,

Tani G. Cantil-Sakauye

**S252285**

**GUZMAN (ANTHONY) 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 24, 2018

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol Building  
Sacramento, CA 95814

Re: Anthony Guzman  
Legal Affairs File No.: COM-3864-18  
Case Number: S252285  
Executive Clemency Number: 1181

Dear Governor Brown:

On the application of Anthony Guzman 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. Pursuant to the

justices' determination that, now and hereafter, any such communication to you should note the contrary vote of any justice who elects to have that contrary vote noted, please be advised that Justices Chin and Corrigan voted to decline to make the recommendation required by Article V, section 8 of the California Constitution.

Sincerely,

Tani G. Cantil-Sakauye

**S249132**      A150545 First Appellate District, Div. 1

**SAINT FRANCIS MEMORIAL  
HOSPITAL v. CALIFORNIA  
DEPARTMENT OF PUBLIC  
HEALTH**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to January 4, 2019.

**S249872**      A150689 First Appellate District, Div. 1

**PEOPLE v. VEAMATAHAU  
(JOSEPH)**

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 16, 2019.

**B286283**      Second Appellate District, Div. 4

**ECHEVERRIA (ELISHA) v.  
JOHNSON & JOHNSON**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Eight.

**B288307**      Second Appellate District, Div. 4

**ECHEVERRIA (ELISHA) v.  
IMERYS TALC AMERICA,  
INC.**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Eight.

Fourth Appellate District, Div. 2      **TRANSFER ORDERS**

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division One:

1. E068999      People v. Brandon Whitt
2. E069059      People v. Jonathan Marquez
3. E069062      People v. Victor Carlon, Jr.
4. E069137      People v. Kevin Roach
5. E068753      People v. Carlos Perzabal
6. E069408      People v. Erlindo Rodriguez, Jr.
7. E069810      People v. Kyle Allison
8. E068513      People v. Shawn Shaffer
9. E069684      People v. Verne Orlop
10. E069683      People v. Donald McCarthy
11. E068920      People v. Daniel Castro
12. E069922      Keisha Adams v. Columbia Riverside, Inc.
13. E069663      Thomas Fuhrman v. Roxann Thompson
14. E067406      George Saunders v. Donald Paulson
15. E069386      Ethan Young, a Minor, etc. v. Menifee Union School District et al.



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
JANUARY 8, 2019  
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 8, 2019.

**TUESDAY, JANUARY 8, 2019 — 9:00 A.M.**

- (1) T-Mobile West LLC et al. v. City and County of San Francisco et al., S238001
- (2) Meza (Julia C.) v. Portfolio Recovery Associates, LLC et al., S242799  
(*Jenkins, J., assigned justice pro tempore*)
- (3) People v. Aranda (Brian Michael), S214116

**1:30 P.M.**

- (4) Christopher Gardner, as Public Defender for the County of San Bernardino v. Superior Court of San Bernardino County (People, Real Party in Interest), S246214
- (5) In re H.W., S237415
- (6) People v. Sanchez (Juan), [Automatic Appeal], S087569

---

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).)