

**SUPREME COURT MINUTES
TUESDAY, DECEMBER 29, 2015
SAN FRANCISCO, CALIFORNIA**

S177281

**PEOPLE v. MAGALLON
(MIGUEL ANGEL)**

Extension of time granted

Good cause appearing, and based upon counsel Lynne S. Coffin's representation that the appellant's opening brief is anticipated to be filed by August 1, 2016, counsel's request for an extension of time in which to file that brief is granted to February 26, 2016. After that date, only three further extensions totaling about 158 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).)

S217763 B245131 Second Appellate District, Div. 5

**CENTER FOR BIOLOGICAL
DIVERSITY v.
DEPARTMENT OF FISH &
WILDLIFE (THE NEWHALL
LAND & FARMING
COMPANY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to petition for rehearing is extended to and including January 8, 2016.

S224724 F065288/F065481/F065984

Fifth Appellate District

**PEOPLE v. ENRIQUEZ
(RAMIRO)**

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 19, 2016.

S225090 B253620 Second Appellate District, Div. 1

**BARAL (ROBERT C.) v.
SCHNITT (DAVID)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to the amicus curiae brief is extended to February 8, 2016.

S225194 E061436 Fourth Appellate District, Div. 2 **PATTERSON (RON DOUGLAS) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the traverse is extended to January 29, 2016.

S227393 D064133 Fourth Appellate District, Div. 1 **KABRAN (BERTHE FELICITE) v. SHARP MEMORIAL HOSPITAL**

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 11, 2016.

S227632 **GRADILLAS (LILLIAN) v. LINCOLN GENERAL INSURANCE COMPANY**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply to brief on the merits is extended to January 29, 2016.

S228049 D060969 Fourth Appellate District, Div. 1 **PEOPLE v. WHITE (BILLY CHARLES)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 28, 2016.

S230996 A143043 First Appellate District, Div. 1 **STEVENS (FRANCES) v. WORKERS' COMPENSATION APPEALS BOARD & OUTSPOKEN ENTERPRISE**

Extension of time granted

On application of respondents Outspoken Enterprises and State Compensation Insurance Fund, and good cause appearing, it is ordered that the time to serve and file the answer to the petition for review is extended to January 21, 2016.

S231016 C080660 Third Appellate District
Extension of time granted

HARRIS (JAMES) ON H.C.

On application of respondents and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to January 5, 2016.

S203540

**PEOPLE v. BROWN (LATECE
MEGALE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Glen Niemy is hereby appointed to represent appellant Latece Megale Brown for the direct appeal in the above automatic appeal now pending in this court.

S208209

**PEOPLE v. BURRIS
(NATHAN)**

Order appointing State Public Defender filed

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

S213242

**PEOPLE v. SMITH
(CHARLES)**

Order appointing State Public Defender filed

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

S229288

**PEOPLE v. CASTANEDA
(ROBERTO)**

Counsel appointment order filed

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

S229288

**PEOPLE v. CASTANEDA
(ROBERTO)**

Counsel appointment order filed

Upon request of appellant Roberto Castaneda for appointment of counsel, Madeline McDowell is hereby appointed to represent appellant on the appeal now pending in this court.

S229632 G051212 Fourth Appellate District, Div. 3 **PEOPLE v. PINON (JAMES MANUEL)**

Counsel appointment order filed

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

S230134 E059735 Fourth Appellate District, Div. 2 **PEOPLE v. BROWN (DARNELL JAMES)**

Counsel appointment order filed

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

S230292 D065962 Fourth Appellate District, Div. 1 **PEOPLE v. JACKSON (WALLACE)**

Counsel appointment order filed

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

S230374 G051197 Fourth Appellate District, Div. 3 **PEOPLE v. ARMOGEDA (EVAN TAYLOR)**

Counsel appointment order filed

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

S112691 **PEOPLE v. WESTERFIELD (DAVID ALAN)**

Order filed

Appellant's "Request for Permission to File a Supplemental Brief Modifying the Contentions Presented in Argument XIV of the Original Opening Brief," filed December 17, 2015, is granted. The supplemental respondent's brief should be served and filed within 30 days of the filling of this order. Any reply by the appellant should be served and filed within 30 days of the filing of the supplemental respondent's brief.

S226596 D066705 Fourth Appellate District, Div. 1 **MARTINEZ (HECTOR) ON H.C**

Order filed

The application of petitioner for permission to file the untimely opening brief on the merits is hereby granted.

S229874**DADE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DUANE D'ROY DADE, State Bar Number 140379, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DUANE D'ROY DADE 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.

S229875**BERENSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MITCHELL BERENSON, State Bar Number 183166, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MITCHELL BERENSON 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.

S229876**HEATH ON DISCIPLINE**

Recommended discipline imposed

The court orders that ARIANNE KENNEDY HEATH, State Bar Number 283325, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. ARIANNE KENNEDY HEATH is suspended from the practice of law for the first 30 days of probation;
2. ARIANNE KENNEDY HEATH 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 31, 2015; and
3. At the expiration of the period of probation, if ARIANNE KENNEDY HEATH has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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

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

S229877**BURKE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KIMBERLY RENA E BURKE, State Bar Number 248051, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

KIMBERLY RENA E BURKE must make restitution to the following payees:

- (1) Lucy Musharbash in the amount of \$1,259 plus 10 percent interest per year from September 25, 2013;
- (2) Richard Salvaggio in the amount of \$2,500 plus 10 percent interest per year from March 7, 2013;

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

KIMBERLY RENA E BURKE 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.

S229878**TU ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JOHN YAHENG TU, State Bar Number 146945, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JOHN YAHENG TU must make restitution to Rachel Chang in the amount of \$1,435 plus 10 percent interest per year from April 21, 2013. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

JOHN YAHENG TU 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.

S229879**MILLER ON DISCIPLINE**

Recommended discipline imposed

The court orders that DANE PAUL MILLER, State Bar Number 226332, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. DANE PAUL MILLER is suspended from the practice of law for the first 90 days of probation;
2. DANE PAUL MILLER 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 24, 2015; and
3. At the expiration of the period of probation, if DANE PAUL MILLER has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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

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

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

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2017, 2018, and 2019. If DANE PAUL MILLER fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S229880**McCUNE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BRENDA LYNN McCUNE, State Bar Number 186945, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

BRENDA LYNN McCUNE must make restitution to the following payees:

- (1) Elvia Espinoza in the amount of \$2,500 plus 10 percent interest per year from June 17, 2013; and
- (2) James Krueger in the amount of \$5,000 plus 10 percent interest per year from November 21, 2013.

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

BRENDA LYNN McCUNE 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.

S229882**VELLANOWETH ON
DISCIPLINE**

Recommended discipline imposed

The court orders that ANA MARIA VELLANOWETH, State Bar Number 108633, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. ANA MARIA VELLANOWETH is suspended from the practice of law for the first 30 days of probation;
2. ANA MARIA VELLANOWETH 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 27, 2015; and
3. At the expiration of the period of probation, if ANA MARIA VELLANOWETH has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2017, 2018, and 2019. If ANA MARIA VELLANOWETH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S229885**Van SON ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHRISTOPHER JOHN Van SON, State Bar Number 133440, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. CHRISTOPHER JOHN Van SON is suspended from the practice of law for a minimum of the first 18 months of probation, and he will remain suspended until he makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (a) John and Christine Ritoli in the amount of:
 - (i) \$2,294 plus 10 percent interest per year from September 1, 2010; and

- (ii) \$5,000 plus 10 percent interest per year from March 22, 2011;
 - (b) Antoinette Cooks in the amount of \$1,250 plus 10 percent interest per year from May 6, 2011;
 - (c) Gerardo and Patricia Linares in the amount of \$1,500 plus 10 percent interest per year from June 10, 2011;
 - (d) Wendy Hoffman in the amount of \$2,500 plus 10 percent interest per year from December 31, 2011;
 - (e) Al Ross in the amount of \$1,250 plus 10 percent interest per year from June 23, 2011; and
 - (f) Dorothy Turner in the amount of \$2,200 plus 10 percent interest per year from June 20, 2011.
2. CHRISTOPHER JOHN Van SON 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 13, 2015.
3. At the expiration of the period of probation, if CHRISTOPHER JOHN Van SON has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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

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

S229892

WOLFE ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that GERALD LAWRENCE WOLFE, State Bar Number 180599, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

GERALD LAWRENCE WOLFE 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.

S230080**SCHNITZER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ALAN MARK SCHNITZER, State Bar Number 129024, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ALAN MARK SCHNITZER 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.

S230082**PECKHAM ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that EDWARD JOHN PECKHAM, State Bar Number 86609, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

EDWARD JOHN PECKHAM must make restitution to Nunvav in the amount of \$350,000 plus 10 percent interest per year from December 7, 2012. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

EDWARD JOHN PECKHAM 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.

S231377**ALDENDIFER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CURTIS EVANS ALDENDIFER, State Bar Number 79697, as a member of the State Bar of California is accepted.

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

S231380**ATAACK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHARLENE B. ATACK, State Bar Number 68692, as a member of the State Bar of California is accepted.

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

S231381**CAPRON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID CAPRON, State Bar Number 92118, as a member of the State Bar of California is accepted.

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

S231382**CLARK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOANNE CAROL CLARK, State Bar Number 193619, as a member of the State Bar of California is accepted.

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

S231384**DUVAL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRIS E. DUVAL, State Bar Number 101879, as a member of the State Bar of California is accepted.

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

S231386**JOHNSON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BRUCE FORRESTER JOHNSON, State Bar Number 45394, as a member of the State Bar of California is accepted.

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

S231388**LANGSTON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of YANCEY FRANK LANGSTON, State Bar Number 141247, as a member of the State Bar of California is accepted.

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

S231404**SCOTT ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CARLA SCOTT, State Bar Number 223743, as a member of the State Bar of California is accepted.

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

S231407**WISHNER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JANE BETH WISHNER, State Bar Number 117302, as a member of the State Bar of California is accepted.

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