

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 19, 2014
SAN FRANCISCO, CALIFORNIA**

S214652 B248072 Second Appellate District, Div. 2 **ALATRISTE (JOSE ARMANDO) ON H.C.**

Petition for review granted

The request for judicial notice is granted.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S214960 B248199 Second Appellate District, Div. 2 **BONILLA (JOSEPH) ON H.C.**

Petition for review granted

The request for judicial notice is granted.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S215265 F062490/F062709 Fifth Appellate District **PARKER (CLAY) v. STATE OF CALIFORNIA**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S199119 B228027 Second Appellate District, Div. 1 **SANCHEZ (GIL) v. VALENCIA HOLDING COMPANY LLC**

Supplemental briefing ordered

The parties and interested persons and entities are invited to file supplemental briefing on the following questions. In formulating the standard for determining whether a contract or contract term is substantively unconscionable, this court has used a variety of terms, including “unreasonably favorable” to one party (*Sonic-Calabasas A, Inc. v. Moreno* (2013) 57 Cal.4th 1109, 1145); “so one-sided as to shock the conscience” (*Pinnacle Museum Tower Assn. v. Pinnacle Market Development* (2012) 55 Cal.4th 223, 246); “unfairly one-sided” (*Little v. Auto Stiegler, Inc.* (2003) 29 Cal.4th 1064, 1071-1072); “overly harsh” (*Armendariz v. Foundation Health Psychare Services, Inc.* (2000) 24 Cal.4th 83, 114; and “unduly oppressive” (*Perdue v. Crocker National Bank* (1985) 38 Cal.3d 913, 925). Should the court use only one of these formulations in describing the test for substantive unconscionability and, if so, which one? Are there any terms the court should *not* use? Is there a formulation not included among those above that the court should use? What differences, if any, exist among these formulations either facially or as applied?

The parties are directed to serve and file simultaneous letter briefs on this issue on or before March 12, 2014. If any party or existing amicus curiae chooses to reply to the points raised in the supplemental briefs, the supplemental reply is to be served and filed on or before March 19, 2014. In addition, any interested person or entity is invited to serve and file an application to file an amicus curiae brief, and that brief itself, by March 12, 2014. Any party may serve and file a reply to such a brief on or before March 19, 2014.

S214864 B242807 Second Appellate District, Div. 7 **MARTINEZ (ROBERTO) v.
JOE’S CRAB SHACK
HOLDINGS**

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 *Duran v. U.S. Bank National Assn.*, S200923 (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., Kennard, Baxter, Werdegar, Chin, Corrigan, and Liu, JJ.

S113280 **PEOPLE v. RUIZ (ALBERT)**

Appeal abated

As indicated in a certified copy of a certificate of death, appellant Albert Ruiz died on December 29, 2013. Accordingly, the appeal in *People v. Albert Ruiz*, case no. S113280, is permanently abated, and the Superior Court of California, County of Merced is directed to enter an order to that effect in case no. 24603. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.) The “Motion to Deem all Proceedings Permanently Abated, Dismiss the Appeal, Vacate the Judgment of Death, and Direct the Superior Court to Enter its Order That All Proceedings Have Permanently Abated,” filed by appellant’s counsel on January 28, 2014, is denied.

S215123 B232315 Second Appellate District, Div. 4 **PFEIFER (WILLIAM) v.
JOHN CRANE, INC.**

Petition ordered withdrawn

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

Pursuant to written request of counsel for petitioner, the petition for review is ordered withdrawn.

S214868 C068389 Third Appellate District **PEOPLE v. FULLMORE
(DAVID EDWARD)**

Petitions for review denied

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| S214966 | H039195 Sixth Appellate District | C. (G.) ON H.C. |
| Petition for review denied | | |
| S214974 | H038607 Sixth Appellate District | IN RE G.C. |
| Petition for review denied | | |
| S214979 | B243916 Second Appellate District, Div. 8 | PEOPLE v. McKINLEY (NATHANIEL) |
| Petition for review denied | | |
| Kennard and Baxter, JJ., are of the opinion the petition should be granted. | | |
| S215056 | E055988 Fourth Appellate District, Div. 2 | PEOPLE v. ESTRADA (LOU ARMANDO) |
| Petition for review denied | | |
| S215164 | H038939 Sixth Appellate District | PEOPLE v. LEDEE (LAWRENCE) |
| Petition for review denied | | |
| S215183 | B243844 Second Appellate District, Div. 4 | HERNANDEZ (ISELA) v. OVERHILL FARMS, INC. |
| Petition for review & depublication request(s) denied | | |
| S215200 | B239727 Second Appellate District, Div. 7 | IRENA, INC. v. UNITED STATES GYPSUM COMPANY |
| Petition for review denied | | |
| S215223 | A134054 First Appellate District, Div. 3 | PEOPLE v. ORDAZ (IVAN) |
| Petition for review denied | | |
| S215272 | C070726 Third Appellate District | YANEZ (MICHAEL) v. PLUMMER (BRIAN) |
| Petition for review & depublication request(s) denied | | |

S215275 B242518 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. HOWARD (SEAN D.)

S215291 H039308 Sixth Appellate District

Petition for review denied

**PEOPLE v. PAGADUAN, JR.,
(ARTHUR COPUZ)**

S215306 A135040 First Appellate District, Div. 5

Petition for review denied

PEOPLE v. BANKHEAD (JOE HENRY)

S215336 G048018 Fourth Appellate District, Div. 3

Petition for review denied

**K. (MICHELLE) v. S.C.
(HARBOR
DEVELOPMENTAL
DISABILITIES
FOUNDATION)**

S215357 H038240 Sixth Appellate District

Petition for review denied

**PEOPLE v. GARCIA
(GEORGE OMAR)**

S215359 B241023 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. CARRILLO
(RAFAEL)**

S215372 H039091 Sixth Appellate District

Petition for review denied

**PEOPLE v. HAUER
(DWIGHT)**

S215374 G046836 Fourth Appellate District, Div. 3

Petition for review denied

C. (RAYMOND) v. S.C. (JOHN C.)

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| S215385 | C073361 Third Appellate District | PEOPLE v. CABRALES (JORGE) |
| Petition for review denied | | |
| S215396 | E060108 Fourth Appellate District, Div. 2 | BELTRAN (DAVID ANTHONY) ON H.C. |
| Petition for review denied | | |
| S215424 | C070064 Third Appellate District | PEOPLE v. RAMIREZ (PABLO) |
| Petition for review denied | | |
| S215442 | B252945 Second Appellate District, Div. 7 | MILTON (WILLIAM) ON H.C. |
| Petition for review denied | | |
| S215443 | G047331 Fourth Appellate District, Div. 3 | PEOPLE v. McKINNEY (JOHN KIRK) |
| Petition for review denied | | |
| S215449 | E055692 Fourth Appellate District, Div. 2 | PEOPLE v. CISNEROS, JR., (CESAR YOVANI) |
| Petition for review denied | | |
| S215454 | A133944 First Appellate District, Div. 4 | PEOPLE v. LANKFORD (DESMEN) |
| Petition for review denied | | |
| S215468 | B241440 Second Appellate District, Div. 7 | HERRERA (JOSE) v. UNISTAR FOOD PROCESSING, INC. |
| Petition for review denied | | |
| S215484 | B244915 Second Appellate District, Div. 3 | PEOPLE v. HAN (MARK) |
| Petition for review denied | | |

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| S215486 | B240185 Second Appellate District, Div. 4 | PEOPLE v. KWARK (ROYCE SUNG) |
| Petition for review denied | | |
| S215488 | B238601 Second Appellate District, Div. 6 | SANTA BARBARA, COUNTY OF v. AMERICAN SURETY COMPANY |
| Petition for review denied | | |
| S215513 | C071779 Third Appellate District | PEOPLE v. MILLER (RICHARD) |
| Petition for review denied | | |
| S215537 | A136123 First Appellate District, Div. 4 | PEOPLE v. SEBRING (SEAN) |
| Petition for review denied | | |
| S215618 | B250697 Second Appellate District, Div. 4 | O'CONNOR DAVIES LLP v. S.C. (SCHWARZ) |
| Petition for review denied | | |
| S215656 | E058798 Fourth Appellate District, Div. 2 | PEOPLE v. PIERSON (GREGORY THOMAS) |
| Petition for review denied | | |
| S215664 | B162368 Second Appellate District, Div. 8 | PEOPLE v. PEREZ (AARON) |
| Petition for review denied | | |
| S215678 | E058261 Fourth Appellate District, Div. 2 | PEOPLE v. ANDERSON (SEAN ELLISON) |
| Petition for review denied | | |
| S215681 | A137165 First Appellate District, Div. 5 | PEOPLE v. LOPEZ (ALVARO HUMBERTO) |
| Petition for review denied | | |

S215719 H039087 Sixth Appellate District

**PEOPLE v. MORENO
(FERNANDO)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Conley*, S211275.

S215729 E056440 Fourth Appellate District, Div. 2
Petition for review denied

PEOPLE v. LOPEZ (SERGIO)

S215730 B250171 Second Appellate District, Div. 5
Petition for review denied

**PEOPLE v. ROMERO (LUIS
ALBERTO)**

S215784 H039243 Sixth Appellate District
Petition for review denied

**PEOPLE v. REESE
(RICHARD MICHAEL)**

S215794 C070609 Third Appellate District
Petition for review denied
Baxter, J., was recused and did not participate.

**SINGH (BALBIR) v. WELLS
FARGO BANK, N.A.**

S215795 F066200 Fifth Appellate District
Petition for review denied

**PEOPLE v. CROSS
(WILLIAM JOE)**

S215797 A140534 First Appellate District, Div. 2
Petition for review denied

**PATTERSON (DANTE
JOHNNIE) v. S.C. (PEOPLE)**

S215809 D062524 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. ARGALLON
(FREDDIE JAMES)**

S215823 B241282 Second Appellate District, Div. 2
Petition for review denied

IN RE BRANDON F.

S215825 B245613 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. WOODBERRY
(ANDRE LAMON)**

S215829 A136103 First Appellate District, Div. 4

Petition for review denied

PEOPLE v. LEE (JULIUS)

S215832 E057233 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CAINES, JR.,
(LUKE WAINE)**

S215833 H039281 Sixth Appellate District

Petition for review denied

**PEOPLE v. FLORES
(FAUSTINO)**

S215835 A140528 First Appellate District, Div. 2

Petition for review denied

**SOARES (ANTHONY) v. S.C.
(PEOPLE)**

S215838

Petition for review denied

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

**VAZQUEZ (ROBERT L.) v.
WELLS FARGO BANK, N.A.**

S215839 G046922 Fourth Appellate District, Div. 3

Petition for review denied

**CHAMBI (ISRAEL P.) v.
WMC-SA, INC.**

S215843 B249201 Second Appellate District, Div. 5

Petition for review & depublication request(s) denied

**FEDERAL INSURANCE
COMPANY v. WORKERS'
COMPENSATION APPEALS
BOARD & JOHNSON
(ADRIENNE)**

S215849 H038756 Sixth Appellate District

Petition for review denied

**PEOPLE v. DEJESUS
(DANIEL)**

S215858 F065645 Fifth Appellate District

Petition for review denied

**PEOPLE v. MADERA, JR.,
(VALOIS)**

S215867 A132886 First Appellate District, Div. 3

Petition for review denied

**RATLIFF, JR., (LONNIE) v.
EMC MORTGAGE LLC**

S215872 B242188 Second Appellate District, Div. 4

Petition for review denied

IN RE A.W.

S215879 G046895 Fourth Appellate District, Div. 3

Petition for review denied

**SCHNEIDER (WILLIAM) v.
S.C. (PEOPLE)**

S215880 F064229 Fifth Appellate District

Petition for review denied

**PEOPLE v. ROQUE
(LEONARD HILARIO)**

S215881 G046850 Fourth Appellate District, Div. 3

Petition for review denied

**RONJE (EDWARD) v. S.C.
(PEOPLE)**

S215883 G046936 Fourth Appellate District, Div. 3

Petition for review denied

**RABUCK (ROSS) v. S.C.
(PEOPLE)**

S215884 C070775 Third Appellate District

Petition for review denied

**PEOPLE v. BATTA
(NASHWAN SAMIR)**

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| S215893 | G046650 Fourth Appellate District, Div. 3 | JACKSON (LARRY) v. S.C. (PEOPLE) |
| Petition for review denied | | |
| S215895 | G046910 Fourth Appellate District, Div. 3 | MOREHEAD (ROBERT) v. S.C. (PEOPLE) |
| Petition for review denied | | |
| S215897 | B243950 Second Appellate District, Div. 2 | IN RE JADE B. |
| Petition for review denied | | |
| S215900 | E057902 Fourth Appellate District, Div. 2 | CERVANTES (SAVANA MARIE) v. ONTARIO-MONTCLAIR SCHOOL DISTRICT |
| Petition for review denied | | |
| S215917 | F065261 Fifth Appellate District | PEOPLE v. BURTS (EMMANUEL BEN) |
| Petition for review denied | | |
| S215925 | A140570 First Appellate District, Div. 4 | EVANS (DAVID ARKEEN) v. S.C. (PEOPLE) |
| Petition for review denied | | |
| S215926 | E055128 Fourth Appellate District, Div. 2 | PEOPLE v. ALEXANDER (LINDA) |
| The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides <i>People v. Conley</i> , S211275. | | |
| S215936 | C075438 Third Appellate District | MUNIZ (MARIO) v. S.C. (PEOPLE) |
| Petition for review denied | | |

S215942

Petition for review denied

**SILVERBRAND (PETER) v.
WRIGHT-SCOTT (SHEILA)****S215945** G048688 Fourth Appellate District, Div. 3

Petition for review denied

**MOFFITT (ELIZABETH M.)
v. MONEX DEPOSIT
COMPANY****S199807**

Petition for writ of habeas corpus denied

COTAYA (STEVEN) ON H.C.**S211978**

Petition for writ of habeas corpus denied

CATANIO (MARIO) ON H.C.**S212996**

Petition for writ of habeas corpus denied

**PULIDO (ANDRE
GERMAINE) ON H.C.****S213451**

Petition for writ of habeas corpus denied

**CARTER (PHILIP EARL) ON
H.C.****S213712**

Petition for writ of habeas corpus denied

**RIVERA (GAMALIER
REYES) ON H.C.****S214039**

Petition for writ of habeas corpus denied

**NAKHEI (TOORAJ
AGAMIYOUNI) ON H.C.****S214047**

Petition for writ of habeas corpus denied

**KINDRED (RICHARD
SCOTT) ON H.C.**

S214144**KATASSE (JIM) 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.)

S214151**HARRIS (DANIEL MARCUS)
ON H.C.**

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

S214393**WALLACE (GEORGE ELLIS)
ON H.C.**

Petition for writ of habeas corpus denied

S214570**CLARK (BRINT) ON H.C.**

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

S214740**NGUYEN (SON TRUONG) ON
H.C.**

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

S214771**TIMMONS (CLARENCE
JUNIOR) 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; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S214779**CLEVELAND (ROBERT) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S214790**LOPEZ (DAVID) ON H.C.**

Petition for writ of habeas corpus denied

S214835**PAYNE (JAMES) ON H.C.**

Petition for writ of habeas corpus denied

S214871**MOONEY (SEAN PATRICK)
ON H.C.**

Petition for writ of habeas corpus denied

S214874**BRINSON (JOHNNY
LAWRENCE) 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; *In re Dixon* (1953) 41 Cal.2d 756, 759.)**S214877****MUNOZ (MARIANO) ON H.C.**

Petition for writ of habeas corpus denied

S214926**ELEY, SR., (DYTANION D.)
ON H.C.**

Petition for writ of habeas corpus denied

S214946**CHESTANG (DANIEL K.) ON
H.C.**

Petition for writ of habeas corpus denied

S215005**JOHNSON (RODWICK) 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.)**S215015****WADE (WILLIAM E.) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225.)**S215017****THOMAS (CLIFFORD
BRENT) ON H.C.**

Petition for writ of habeas corpus denied

S215039**MURRAY (MAURICE
BURTON) ON H.C.**

Petition for writ of habeas corpus denied

S215061**FRANK, JR., (WARREN) ON
H.C.**

Petition for writ of habeas corpus denied

S215062**MAHRT (GREGORY) ON
H.C.**

Petition for writ of habeas corpus denied

S215071**CONTRERAS (RAMIRO) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)**S215076****THOMAS (RICHARD
CHARLES) ON H.C.**

Petition for writ of habeas corpus denied

S215080**ROSE (EARL EUGENE) 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.)**S215093****RODRIGUEZ (JUAN) ON H.C.**

Petition for writ of habeas corpus denied

S215103**BURNETT (ESTER) ON H.C.**

Petition for writ of habeas corpus denied

S215167**WELCH (EUGENE
EVERETT) 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; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S215173**WILLIS (COREY) ON H.C.**

Petition for writ of habeas corpus denied

S215174**MOORE (GREGORY ERIC)
ON H.C.**

Petition for writ of habeas corpus denied

S215184**NIETO (SANTOS GARCIA)
ON H.C.**

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

S215186**SCORZA II (ERROL JOSEPH)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S215191**LUCAS (ANTHONY WAYNE)
ON H.C.**

Petition for writ of habeas corpus denied

S215193**ALVAREZ (ADAM M.) ON
H.C.**

Petition for writ of habeas corpus denied

S215201**BOLTON (D'ARSEY
LAWRENCE) ON H.C.**

Petition for writ of habeas corpus denied

S215217**CASTILLO (JOEY ERNEST)
ON H.C.**

Petition for writ of habeas corpus denied

S215222**DORTCH (JEMIER DENENE)
ON H.C.**

Petition for writ of habeas corpus denied

S215227**GUNN (PHILLIP BENJAMIN)
ON H.C.**

Petition for writ of habeas corpus denied

S215229**AUDELO (ERIC ANTONIO)
ON H.C.**

Petition for writ of habeas corpus denied

S215231**RODRIGUEZ (JIMMY) ON
H.C.**

Petition for writ of habeas corpus denied

S215237**RODRIGUEZ (JOSE GELITO)
ON H.C.**The petition for writ of habeas corpus is denied on the merits. (See *Harrington v. Richter* (2011) 562 U.S. __ [131 S.Ct. 770, 785], citing *Ylst v. Nunnemaker* (1991) 501 U.S. 797, 803.)**S215240****ARREDONDO, JR., (JOHN E.)
ON H.C.**The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S215241****WILLIAMS, JR., (ABE) ON
H.C.**

Petition for writ of habeas corpus denied

S215243**BEJARANO (BOBBY) ON
H.C.**

Petition for writ of habeas corpus denied

S215258**MILTON (WILLIAM) ON
H.C.**

Petition for writ of habeas corpus denied

S215286**RAYFORD (REGINALD
LAMAR) ON H.C.**

Petition for writ of habeas corpus denied

S215301**BURNS (LEWIS MARQUIS)
ON H.C.**

Petition for writ of habeas corpus denied

S215335**BOLDT (GEOFFREY) ON
H.C.**The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S215386****COLLINS (DARRYL LAMAR)
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.)**S215389****DANIELS (TANA
COLONIAL) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)**S215391****PAYNE (LLOYD) 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.)

S215400**HIGGINBOTHAM
(ANTHONY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S215404**JEFFRIES, SR.,
(BARRINGTON D.) ON H.C.**

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

S215414**BROWN (BRYANT KEITH)
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; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S215524**P. (NIKO) ON H.C.**

Petition for writ of habeas corpus denied

S215551**CHESTANG (DANIEL K.) ON
H.C.**

Petition for writ of habeas corpus denied

S215715**BISHOP (GEORGE M.) ON
H.C.**

Petition for writ of habeas corpus denied

S215850**ROMO (FERNANDO
GUADALUPE) 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.)

S215863**MONTES (ERICK) ON H.C.**

Petition for writ of habeas corpus denied

S214758 B240455 Second Appellate District, Div. 7

Publication request denied (case closed)

**ALBERS (RAYMOND H.) v.
NAEGELE (TIMOTHY D.)**

S215151 B239708 Second Appellate District, Div. 3

Publication requests denied (case closed)

**RABANAL (FERDINAND) v.
RIDESHARE PORT
MANAGEMENT LLC**

S215156 D062324 Fourth Appellate District, Div. 1

Publication requests denied (case closed)

**SWARTZ (KEVIN F.) v.
COLDWELL BANKER
RESIDENTIAL BROKERAGE
COMPANY**

S215330 H037350 Sixth Appellate District

Publication requests denied (case closed)

**OCHOA (JOSE) v.
VALVERDE (GEORGE)**

S215406 B240831 Second Appellate District, Div. 2

Publication request denied (case closed)

**McKINNEY (DAVID) v.
NuSCIENCE CORPORATION**

S215761 E058735 Fourth Appellate District, Div. 2

Publication request denied (case closed)

**LEJAK (R.J. RONNIE) v. S.C.
(PEOPLE)**

S215857 F064886 Fifth Appellate District

Depublication request denied (case closed)

**CUEVAS (ADOLFO) v. S.C.
(PEOPLE)**

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

S093944**PEOPLE v. BERTSCH (JOHN
ANTHONY) & HRONIS
(JEFFERY LEE)**

Extension of time granted

On application of appellant Jeffery Lee Hronis and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 15, 2014.

S096809**PEOPLE v. POYNTON
(RICHARD JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Carla J. Johnson's representation that the appellant's reply brief is anticipated to be filed by April 30, 2014, counsel's request for an extension of time in which to file that brief is granted to April 15, 2014. After that date, only one further extension totaling about 14 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S106274**PEOPLE v. CARO (SOCORRO
SUSAN)**

Extension of time granted

Good cause appearing, and based upon counsel Deputy Attorney General Chung L. Mar's representation that the respondent's brief is anticipated to be filed by April 15, 2014, counsel's request for an extension of time in which to file that brief is granted to April 15, 2014. After that date, no further extension is contemplated.

S141080**PEOPLE v. CAMACHO
(ADRIAN GEORGE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Heather F. Crawford's representation that the respondent's brief is anticipated to be filed by April 20, 2014, counsel's request for an extension of time in which to file that brief is granted to April 21, 2014. After that date, no further extension 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).)

S148462**PEOPLE v. YOUNG
(JEFFREY SCOTT)**

Extension of time granted

Good cause appearing, and based upon counsel Kathy Moreno's representation that the appellant's reply brief is anticipated to be filed by October 13, 2014, counsel's request for an extension of time in which to file that brief is granted to April 15, 2014. 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).)

S149039**PEOPLE v. AGUAYO
(JOSEPH MORENO)**

Extension of time granted

Good cause appearing, and based upon counsel Pamala Sayasane's representation that the appellant's opening brief is anticipated to be filed by March 4, 2014, counsel's request for an extension of time in which to file that brief is granted to March 4, 2014. After that date, no further extension will be granted.

S152737**PEOPLE v. CORDOVA
(JOSEPH SEFERINO)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General J. Michael Chamberlain's representation that the respondent's brief is anticipated to be filed by April 29, 2014, counsel's request for an extension of time in which to file that brief is granted to April 29, 2014. After that date, no further extension 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).)

S161909**PEOPLE v. SHOVE
(THEODORE CHURCHILL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 21, 2014.

S171393**PEOPLE v. McDANIEL
(DONTÉ LAMONT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 21, 2014.

S189373**PEOPLE v. WILSON
(LESTER HARLAND)**

Extension of time granted

Good cause appearing, and based upon counsel Patrick Morgan Ford's representation that the appellant's opening brief is anticipated to be filed by April 17, 2014, counsel's request for an extension of time in which to file that brief is granted to April 17, 2014. After that date, no further extension is contemplated.

S204795**VO (LOI TAN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Doron Weinberg's representation that the reply to informal response to the petition for writ of habeas corpus is anticipated to be filed by February 15, 2015, counsel's request for an extension of time in which to file that document is granted to April 15, 2014. After that date, only five further extensions totaling about 300 additional days will be granted.

S208180**MAI (HUNG THANH) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Adrienne S. Denault's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 25, 2014, counsel's request for an extension of time in which to file that document is granted to April 25, 2014. After that date, only one further extension totaling about 60 additional days is contemplated.

S209836

B235409 Second Appellate District, Div. 3

**FLORES (CATHERINE) v.
PRESBYTERIAN
INTERCOMMUNITY
HOSPITAL**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to March 17, 2014.

S210898

D060317 Fourth Appellate District, Div. 1

**PEOPLE v. SMITH (VINCE
BRYAN)**

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 March 20, 2014.

S214078**CLARK (ROYAL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General William K. Kim's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by April 17, 2014, counsel's request for an extension of time in which to file that document is granted to April 17, 2014. After that date, no further extension is contemplated.

S052210**PEOPLE v. RODRIGUEZ
(JERRY)**

Counsel appointment order filed

On the court's own motion, the order appointing Michael G. Millman, in his capacity as Executive Director of the California Appellate Project in San Francisco, as interim appellate counsel of record for appellant Jerry Rodriguez, filed November 26, 2013, is hereby vacated. Upon request of appellant for appointment of counsel, Cliff Gardner is hereby appointed as counsel of record to represent appellant Jerry Rodriguez for the direct appeal in the above automatic appeal now pending in this court.

S122123**PEOPLE v. RODRIGUEZ
(ANGELINA)**

Counsel appointment order filed

Attorney Karen A. Kelly, previously appointed to represent appellant Angelina Rodriguez for the direct appeal in the above automatic appeal now pending in this court, is hereby appointed to also represent appellant for habeas corpus/executive clemency proceedings related to the automatic appeal.

Any "petition for a writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court's delay in appointing habeas corpus/executive clemency counsel on behalf of appellant Angelina Rodriguez.

S171998**PEOPLE v. DELEON
(SKYLAR JULIUS)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Wesley A. Van Winkle is hereby appointed to represent appellant Skylar Julius Deleon for the direct appeal in the above automatic appeal now pending in this court.

S212998**BARNETT (LEE MAX) ON
H.C.**

Marsden motion denied

Barnett's motion, pursuant to *People v. Marsden* (1970) 2 Cal.3d 118, filed October 25, 2013, is denied.

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

S022998**PEOPLE v. TOWNSEL
(ANTHONY LETRICE)**

Record ordered unsealed

Appellant's "Application to Unseal Records," filed on January 24, 2014, is granted as follows. The Clerk is directed to provide copies of the following documents to Respondent:

1. Clerk's Transcript on Appeal 987.2 Confidential Documents Volume I, pages 1-75;
2. Clerk's Transcript on Appeal 987.9 Confidential Documents Volume II, pages 76-152.

Appellant may refer to these documents in a publicly-filed habeas corpus petition.

Except as provided in this order, these documents remain under seal and their use must be limited solely to the pending proceeding. (Pen. Code § 987.9, subd. (d); Cal. Rules of Court, rules 8.45(d) and 8.47.)

S106489**PEOPLE v. WEATHERTON
(FRED LEWIS)**

Record ordered unsealed

Appellant's "Application for Order Unsealing Portions of the Record," filed on November 22, 2013, is granted.

The Clerk is directed to unseal the following portions of the sealed record on appeal, make them part of the public record, and provide copies to Respondent:

1. Sealed Reporter's Transcript Pretrial Volume I, pages 24-30;
2. Sealed Reporter's Transcript Pretrial Volume I, pages 54-58;
3. Sealed Reporter's Transcript Pretrial Volume I, pages 74-97;
4. Sealed Reporter's Transcript Pretrial Volume I, pages 171-188;
5. Sealed Reporter's Transcript Pretrial Volume III, pages 323-363;
6. Sealed Reporter's Transcript Pretrial Volume III, pages 424-429;
7. Sealed Reporter's Transcript Pretrial Volume III, pages 470-471;
8. Sealed Reporter's Transcript Volume XXX, pages 4823-4850 & 4853-4857;
9. Sealed Reporter's Transcript Volume XXXIV, pages 5453-5490;
10. Sealed Reporter's Transcript Volume XXXIX, pages 6270-6295;
11. Sealed Reporter's Transcript Volume XLII, pages 6746-6773;
12. Sealed Reporter's Transcript Volume L, pages 7839-7882 & 7895-7918;
13. Sealed Reporter's Transcript Volume LI, pages 7924-7946;
14. Sealed Reporter's Transcript Volume LII, pages 7975-7994.

The Clerk of this court is further directed to provide Respondent access to the materials filed in

the record on appeal pursuant to Penal Code section 987.9, "987.9 Billing Statements Clerk's Supplemental Transcript on Appeal," Volumes 1-6, pages 1-1534. Respondent must supply the personnel and equipment necessary to undertake the examination and copying of these documents, which must occur on the premises of the court. Except as provided in this order, the section 987.9 documents remain under seal and their use must be limited solely to the pending proceeding. (Pen. Code § 987.9, subd. (d); Cal. Rules of Court, rules 8.45(d) and 8.47.)

S214058 B242054 Second Appellate District, Div. 2 **BARRY (PATRICIA J.) v.
STATE BAR OF
CALIFORNIA**

Order filed

Appellant's request for Production of State Bar Records filed on February 10, 2014, is hereby denied.

S214058 B242054 Second Appellate District, Div. 2 **BARRY (PATRICIA J.) v.
STATE BAR OF
CALIFORNIA**

Order filed

The application of appellant Patricia Barry, filed on February 5, 2014, is granted insofar as it seeks relief from default for failure to file a timely answer brief on the merits, and the time for filing that brief is extended to February 28, 2014. Insofar as it seeks to dismiss review, or other relief, the application is denied.

S214222 **PERRY (CLIFTON) ON H.C.**

Motion to file document under seal denied

Petitioner's "Habeas Counsel's Application to File Sealed Federal Documents in Support of Petition for Writ of Habeas Corpus Under Seal," filed on October 25, 2013, is denied. (Cal. Rules of Court, rule 8.46(d)(6).) The Clerk is directed to return the lodged "Declaration of Bryan Burnett (Unredacted)" unless petitioner notifies the Clerk in writing within 10 days after the date of this order that the lodged document is to be filed as part of the public record. (Cal. Rules of Court, rule 8.46(d)(7).)

S216063 **JOHNSON (OSHAY) v.
BROWN, JR., (EDMUND
G.)/(BOARD OF PAROLE
HEARINGS)**

Transferred to Court of Appeal, First Appellate District

The above-entitled matter is transferred to the Court of Appeal, First Appellate District.

S214449**HARPER ON DISCIPLINE**

Petition for writ of review denied; recommended discipline imposed

The petition for review is denied.

The court orders that DAVID ANTHONY HARPER, State Bar Number 112993, 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 one year subject to the following conditions:

1. DAVID ANTHONY HARPER is suspended from the practice of law for the first 90 days of probation;
2. DAVID ANTHONY HARPER must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on September 4, 2013; and
3. At the expiration of the period of probation, if DAVID ANTHONY HARPER has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID ANTHONY HARPER 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 within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

DAVID ANTHONY HARPER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subparts (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.

S214067**KIM ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with charges pending of JOHN K. KIM, State Bar Number 183020, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) JOHN K. KIM remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move the State Bar Court to be restored to active status, at which time the Office of the Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by JOHN K. KIM to be restored to active status. Any return to active status will be conditioned on JOHN K. KIM's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.