

**SUPREME COURT MINUTES
THURSDAY, FEBRUARY 25, 2016
SAN FRANCISCO, CALIFORNIA**

S215990 B244961 Second Appellate District, Div. 8 **GAINES (MILTON HOWARD) v. FIDELITY NATIONAL TITLE INSURANCE COMPANY**

Opinion filed: Judgment affirmed in full

Majority Opinion by Corrigan, J.

-- joined by Cantil-Sakauye, C. J., Werdegar, Chin, and Cuéllar, JJ.

Dissenting Opinion by Kruger, J.

-- joined by Liu, J.

S218233 D062659 Fourth Appellate District, Div. 1 **PEOPLE v. GARCIA (HUGO)**

Opinion filed: Judgment reversed

We reverse the Court of Appeal's judgment regarding Garcia's conviction and sentence, and remand for further proceedings consistent with this opinion.

Majority Opinion by Cuéllar, J.

-- joined by Cantil-Sakauye, C. J., Werdegar, Chin, and Corrigan, JJ.

Concurring Opinion by Kruger, J.

-- joined by Liu, J.

S232642 **BROWN, JR., (EDMUND G.) v. S.C. (CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION)**

Supplemental briefing ordered

Real Parties In Interest California District Attorneys Association, Anne Marie Schubert, an individual and in her personal capacity, and Kamala Harris, in her official capacity as Attorney General of the State of California, are directed to submit preliminary responses to the Emergency Petition for Writ of Mandate and Request for Immediate Stay And/Or Other Appropriate Relief to this court by 5:00 p.m. on Monday, February 29, 2016.

The preliminary responses should address all issues presented in the petition for writ of mandate and request for immediate stay and/or other appropriate relief, including whether original relief is necessary in this court rather than the Court of Appeal because this matter presents issues of broad public importance that require speedy and final resolution.

The preliminary responses must be submitted by email to the Clerk/Administrator of the court (Frank.McGuire@jud.ca.gov) and petitioners Governor Edmund G. Brown, Jr., Margaret R. Prinzing, and Harry Berezin, in the form of a searchable electronic document.

Petitioners are directed to email any reply to the Clerk/Administrator of the court and to Real Parties in Interest, in the form of a searchable electronic document, by 4:00 p. m. on Tuesday, March 1, 2016.

Each party is directed to serve and file all documents in hard copy in the San Francisco office of the court by 10:00 a.m. on Wednesday, March 2, 2016.

S231292 A139860 First Appellate District, Div. 2 **PEOPLE v. CRUZ-SANTOS (SIDONIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2016.

S231314 F072778 Fifth Appellate District **CHEARY (CHRISTOPHER) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 25, 2016.

S231317 F066847/F066872 Fifth Appellate District **PEOPLE v. COOK (ADAM)**
The time for granting or denying review in the above-entitled matter is hereby extended to March 25, 2016.

S231457 D068066 Fourth Appellate District, Div. 1 **PEOPLE v. BARBARIN (JAMES GILBERT)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2016.

S231496 A142449 First Appellate District, Div. 4 **SAN FRANCISCO BAYKEEPER, INC. v. CALIFORNIA STATE LANDS COMMISSION (HANSON MARINE OPERATIONS, INC.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 25, 2016.

S231508 D067127 Fourth Appellate District, Div. 1**SAN DIEGANS FOR OPEN
GOVERNMENT v. CITY OF
SAN DIEGO**

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2016.

S231546 E051961 Fourth Appellate District, Div. 2**RUELAS (GUILLERMO) v.
HARPER (JERRY)**

The time for granting or denying review in the above-entitled matter is hereby extended to a March 29, 2016.

S040704**PEOPLE v. JOHNSEN (BRIAN
DAVID)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General A. Kay Lauterbach's representation that the respondent's brief is anticipated to be filed by August 27, 2016, counsel's request for an extension of time in which to file that brief is granted to April 29, 2016. After that date, only two further extensions totaling about 120 additional days are contemplated.

S126560**PEOPLE v. ARMSTRONG
(JAMELLE EDWARD)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Yun K. Lee's representation that the supplemental respondent's brief is anticipated to be filed by March 15, 2016, counsel's request for an extension of time in which to file that brief is granted to March 15, 2016. After that date, no further extension is contemplated.

S134792**PEOPLE v. HUGHES
(MERVIN RAY)**

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 29, 2016.

S148863**PEOPLE v. FRAZIER
(ROBERT WARD)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Evan Young's representation that the appellant's reply brief is anticipated to be filed by February 21, 2017, counsel's request for an extension of time in which to file that brief is granted to April 22, 2016. After that date, only five further extensions totaling about 304 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).)

S158112**PEOPLE v. HAMILTON
(ALEXANDER RASHAD)**

Extension of time granted

Good cause appearing, and based upon counsel Mark D. Greenberg's representation that the appellant's reply brief is anticipated to be filed by July 15, 2016, counsel's request for an extension of time in which to file that brief is granted to April 25, 2016. After that date, only two further extensions totaling about 81 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).)

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

Extension of time granted

Good cause appearing, and based upon State Public Defender Mary K. McComb's representation that the appellant's opening brief is anticipated to be filed by June 27, 2016, counsel's request for an extension of time in which to file that brief is granted to April 19, 2016. After that date, only one further extension totaling about 68 additional days is contemplated. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S165649**PEOPLE v. COOK
(MICHAEL)**

Extension of time granted

Good cause appearing, and based upon counsel Marcia A. Morrissey's representation that the appellant's opening brief is anticipated to be filed by May 15, 2017, counsel's request for an extension of time in which to file that brief is granted to April 18, 2016. After that date, only seven further extensions totaling about 386 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).)

S166168**PEOPLE v. LAMB (MICHAEL
ALLAN)**

Extension of time granted

Good cause appearing, and based upon counsel Kathy R. Moreno's representation that the appellant's reply brief is anticipated to be filed by April 26, 2016, counsel's request for an extension of time in which to file that brief is granted to April 26, 2016. 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).)

S166315**WILSON (ANDRE GERALD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Miro F. Cizin's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by January 30, 2017, counsel's request for an extension of time in which to file that document is granted to April 29, 2016. After that date, only five further extensions totaling about 275 additional days are contemplated.

S176812**PEOPLE v. YONKO (TONY
RICKY)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Tami Falkenstein Hennick's representation that the respondent's brief is anticipated to be filed by August 30, 2016, counsel's request for an extension of time in which to file that brief is granted to April 21, 2016. After that date, only three further extensions totaling about 132 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).)

S180174**PEOPLE v. ALVAREZ
(ALBERTO)**

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 22, 2016.

S182341**PEOPLE v. BUETTNER
(JEFFREE JAY) & JONES
(GLEN JOSEPH)**

Extension of time granted

On application of appellant Glen Joseph Jones and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 18, 2016.

S182341**PEOPLE v. BUETTNER
(JEFFREE JAY) & JONES
(GLEN JOSEPH)**

Extension of time granted

On application of appellant Jeffree Jay Buettner and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 18, 2016.

S188961**PEOPLE v. ZANON (DAVID
CHARLES)**

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 27, 2016.

S195568**PEOPLE v. BELL
(CIMARRON BERNARD)**

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 26, 2016.

S198309**PEOPLE v. FLETCHER
(MARCUS)**

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 18, 2016.

S216626**TOWNSEL (ANTHONY
LETRICE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Evan Young's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 2, 2016, counsel's request for an extension of time in which to file that document is granted to April 29, 2016. After that date, only one further extension totaling about 33 additional days will be granted.

S222996

B249253 Second Appellate District, Div. 7

**LAFFITTE (MARK) v.
ROBERT HALF
INTERNATIONAL INC.
(BRENNAN)**

Extension of time denied

The application of appellant David Brennan filed on February 16, 2016, for an extension of time to serve and file the answer to amici curiae briefs is hereby denied.

S224701**LEWIS, SR., (KEITH ALLEN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Pamala Sayasane's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 3, 2016, counsel's request for an extension of time in which to file that document is granted to April 18, 2016. After that date, only three further extensions totaling about 170 additional days are contemplated.

S224724 F065288/F065481/F065984

Fifth Appellate District

**PEOPLE v. ENRIQUEZ
(RAMIRO)**

Extension of time granted

On application of appellant Ramiro Enriquez and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 21, 2016. No further extensions of time are contemplated.

S225194

E061436 Fourth Appellate District, Div. 2

**PATTERSON (RON
DOUGLAS) ON H.C.**

Extension of time granted

On application of amicus curiae Lawyers' Committee for Civil Rights and good cause appearing, it is ordered that the time to serve and file the amicus curiae brief is extended to April 13, 2016.

S226530**WALL (RANDALL CLARK)
ON H.C**

Extension of time granted

Good cause appearing, and based upon counsel Miro F. Cizin's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by February 23, 2017, counsel's request for an extension of time in which to file that document is granted to April 25, 2016. After that date, only five further extensions totaling about 303 additional days are contemplated.

S228642

E061754 Fourth Appellate District, Div. 2

PEOPLE v. S.C. (MORALES)

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to March 7, 2016.

S229959**MARTINEZ (MANUEL) ON
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response to the petition for writ of habeas corpus and to lodge the confidential documents per order of this court on January 27, 2016, is hereby extended to March 17, 2016.

S230052**ROSBURGH (CODY AARON)
ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to March 24, 2016.

S230104

B235892 Second Appellate District, Div. 3

**SCHER (JAIME A.) v. BURKE
(JOHN)**

Extension of time granted

On application of appellants Jaime A. Scher and Jane McAllister and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 15, 2016. No further extensions of time will be contemplated

S230782**PETERSON (SCOTT LEE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Donna M. Provenzano's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by December 15, 2017, counsel's request for an extension of time in which to file that document is granted to April 22, 2016. After that date, only ten further extensions totaling about 600 additional days will be granted.

S231405

B263164 Second Appellate District, Div. 8

**PEOPLE v. ROMANOWSKI
(DANIEL)**

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 March 21, 2016.

S026634**PEOPLE v. WATKINS (PAUL
SODOA)**

Order filed

The "Application for Release of Files, Records, and Confidential Materials," filed on January 11, 2016, is granted as follows. Counsel for Paul Sodoa Watkins, the Federal Public Defender for the Central District of California, is granted access to the materials in the records of *People v. Paul Sodoa Watkins*, No. S026634, and *In re Paul Sodoa Watkins on Habeas Corpus*, No. S172438, including all of the sealed and confidential materials, except for the sealed reporter's transcripts of hearings concerning codefendant Lucien Angus Martin at which neither Watkins nor his attorneys were present. Counsel must supply the personnel and equipment necessary to undertake the review and copying of the records, which must occur on the court's premises. Counsel must not release or cause to be released any of the sealed or confidential material or any of the information contained therein to anyone other than counsel's agents without a prior order of this court.

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

Order filed

Because appellant is represented by counsel, the Clerk is directed to return to appellant the pro se submissions received on December 16, 2015, and January 25, 2016. (*In re Barnett* (2003) 31 Cal.4th 466.)

S227243 F068526 Fifth Appellate District

**GERAWAN FARMING, INC.
v. AGRICULTURAL LABOR
RELATIONS BOARD
(UNITED FARM WORKERS
OF AMERICA)**

Order filed

The application of appellant for permission to file a combined answer brief is hereby granted.

S232343

**CLARK (RAYMOND) v.
SEIBEL (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

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

S232374

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

Transferred to Court of Appeal, Fourth Appellate District, Division One

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S231066

JENSEN ON RESIGNATION

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with charges pending of CHRISTIAN KELLEY JENSEN, State Bar Number 214239, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) CHRISTIAN KELLEY JENSEN 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 CHRISTIAN KELLEY JENSEN to be restored to active status. Any return to active status will be conditioned on CHRISTIAN KELLEY JENSEN's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,245)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)