

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 16, 2019
SAN FRANCISCO, CALIFORNIA**

S140894**PEOPLE v. MIRACLE
(JOSHUA MARTIN)**

Rehearing denied

The petition for rehearing is denied.

S252145 A147177 First Appellate District, Div. 2**PALMER (WILLIAM M.) ON
H.C.**

Petition for review granted

The petition for review is granted.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled proceeding filed September 13, 2018, which appears at 27 Cal.App.5th 120. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(1).)

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

S252473**IN RE CLIFFORD ALLEN
BRACE, JR.**

Request for certification granted

The request, made pursuant to California Rules of Court, rule 8.548, for this court to decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit, is granted.

For the purposes of briefing and oral argument, appellants Clifford Brace, Jr., and Ahn Brace are deemed the petitioners in this court. (Cal. Rules of Court, rule 8.520(a)(6).)

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

S252796 D070431 Fourth Appellate District, Div. 1**SANDOVAL (JOSE M.) v.
QUALCOMM
INCORPORATED**

Petition for review granted

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

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

S252222 B282321 Second Appellate District, Div. 8 **PEOPLE v. GRAY (TREVAIL)**
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. Canizales*, S221958 and *People v. Mateo*, S232674 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S252389 A151503 First Appellate District, Div. 2 **PEOPLE v. ROARK (DAHESI NIGEL)**
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. Frahs*, S252220, (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S252517 D072265 Fourth Appellate District, Div. 1 **IN RE CERTIFIED TIRE & SERVICE CENTERS WAGE & HOUR CASES**
Petition for review granted; briefing deferred

The request for judicial notice, dated December 21, 2018, is granted.

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Oman v. Delta Air Lines, Inc.*, S248726 (see Cal. rules of Court, rule 8.524 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.528, is deferred pending further order of the court. The requests for an order directing depublication of the opinion are denied.

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

S253162 E069751 Fourth Appellate District, Div. 2 **PEOPLE v. JACKSON (DEONDRE MARQUISE)**
Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of related issues in *In re Ricardo P.*, S230923, and *People v. Trujillo*, S244650 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S225391

**CARLE (ERIC BRENDAN)
ON H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the California Department of Corrections and Rehabilitation is ordered to show cause before the San Bernardino County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to relief due to ineffective representation by trial counsel. (See *Strickland v. Washington* (1984) 466 U.S. 668.) The return is to be filed on or before February 15, 2019.

Petitioner's "Motion for Judicial Notice," filed on March 8, 2018, is granted.

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

S252157

B276258 Second Appellate District, Div. 3

**PEOPLE v. RAOUF (JOSEPH
PIERRE)**

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

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its decision and reconsider the cause in light of Senate Bill No. 1393 (Stats. 2018, Ch. 1013). (Cal. Rules of Court, rule 8.528(d).)

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

S252410

H046157 Sixth Appellate District

**BONTILAO
(ARPRUBERTITO) v. S.C.
(PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Sixth Appellate District, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its order denying mandate and to issue an order directing the respondent superior court to show cause why the relief sought in the petition should not be granted.

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

S252415

C080292 Third Appellate District

**PEOPLE v. O'ROY, SR.,
(ANDRE ARTHEL)**

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

The petition for review is granted. The matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider the cause in light of Senate Bill No. 1393 (Stats. 2018, Ch. 1013). (Cal. Rules of Court, rule 8.528(d).)

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

S252559 B281476 Second Appellate District, Div. 8 **PEOPLE v. MITCHELL (JOSE PEPE)**

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

The request for consideration of an additional issue in the petition for review is granted. The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Eight, with directions to vacate its decision and reconsider the cause in light of Senate Bill No. 1393 (Stats. 2018, Ch. 1013). (Cal. Rules of Court, rule 8.528(d).)

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

S252593 G056786 Fourth Appellate District, Div. 3 **VAQUERA (OSCAR MANUEL) ON H.C.**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division Three, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its November 8, 2018, order denying the petition for writ of habeas corpus, and to issue an order directing respondent to show cause in that court why petitioner is not entitled to the relief requested.

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

S065877 **PEOPLE v. LOPEZ (BOBBY),
SERNA (HERMINIO) &
TRUJEQUE (JAMES)**

Appeal abated

As indicated in a certified copy of a certificate of death, appellant Herminio Serna died on December 3, 2018. Accordingly, the “Motion to Abate Proceedings,” filed on December 27, 2018, is granted. The appeal in *People v. Lopez, Serna and Trujeque*, case number S065877, is permanently abated as to appellant Herminio Serna, and the Superior Court of California, County of Santa Clara is directed to enter an order to that effect in case number 156285. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.) The Clerk is directed to amend the caption of case number S065877 to remove appellant Herminio Serna.

S225702 G051458 Fourth Appellate District, Div. 3 **RONJE (EDWARD) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).)

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

S225703 G051457 Fourth Appellate District, Div. 3 **SCHNEIDER (WILLIAM) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).)

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

S225708 G051460 Fourth Appellate District, Div. 3 **JACKSON (LARRY) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).)

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

S225714 G051461 Fourth Appellate District, Div. 3 **QUINTERO (AUGUSTINE) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).)

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

S225715 G051459 Fourth Appellate District, Div. 3 **MOREHEAD (ROBERT) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).)

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

S231120 B268425 Second Appellate District, Div. 6 **McCLINTOCK (MICHAEL) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Six

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).) The stay previously issued by this court is dissolved.

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

S235899 **SERNA (HERMINIO) ON H.C.**
Dismissed as moot

The above-entitled case having become moot by petitioner's death on December 3, 2018, as indicated in the certified copy of a certificate of death accompanying the "Motion to Abate Proceedings," filed in case number S065877 on December 27, 2018, the petition is dismissed as moot.

S248615 G056236 Fourth Appellate District, Div. 3 **CHAMBERS (RONNIE) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).) The stay previously issued by this court is dissolved.

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

S250378 G056606 Fourth Appellate District, Div. 3 **GRAY (JOHN) v. S.C. (PEOPLE)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. Superior Court (Smith)* (2018) 6 Cal.5th 457, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b).) The stay previously issued by this court is dissolved.

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

S252178 B282304 Second Appellate District, Div. 7 **PEOPLE v. TAYLOR (LACHELE YVETTE)**

Petition for review denied

S252214 D069738 Fourth Appellate District, Div. 1 **12400 STOWE DRIVE, LP v. CYCLE EXPRESS, LLC**

Petition for review & publication request(s) denied

S252255 B281904/B283523 Second Appellate District, Div. 8 **ELYSIAN CARE CORPORATION v. LAWNDALE HEALTHCARE & WELLNESS CENTRE, LLC**

Petition for review & publication request(s) denied

S252290 **PEOPLE v. S.C. (SCRIPPS MERCY HOSPITAL)**

Petition for writ of mandate/prohibition denied

Cuéllar, J., is of the opinion the petition should be granted and transferred to the Court of Appeal with instructions to issue an alternative writ.

S252294 D072613 Fourth Appellate District, Div. 1 **JABO (KHALDA) v. YMCA OF SAN DIEGO COUNTY**

Petition for review denied

S252334 A140600 First Appellate District, Div. 2 **PEOPLE v. LINVILLE (PAIGE TILLE)**

Petition for review denied

S252341 E069076 Fourth Appellate District, Div. 2 **PEOPLE v. LINDSEY-JONES (TRE)**

Petition for review denied

S252374 D071689 Fourth Appellate District, Div. 1 **PEOPLE v. WITHERS (DESTIN LEE)**

Petition for review denied

S252381 A151727 First Appellate District, Div. 1 **PEOPLE v. FEWS (CALVIN BERNARD)**

Petition for review denied

S252383 C088028 Third Appellate District

Petition for review denied

**MELLOR (CHARLES J.) v.
S.C. (VORCE)**

S252385 D072533 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JACKSON
(JOVAN)**

S252387 B291462 Second Appellate District, Div. 3

Petition for review & application for stay denied

**UNIVAR USA INC. v. S.C.
(RAMOS)**

S252392 F074460 Fifth Appellate District
Petition for review & publication request(s) denied

PEOPLE v. SEE (LAVANG)

S252427 F071781 Fifth Appellate District

Petitions for review denied

**PEOPLE v. AVILES
(YOLANDA IRENE)**

S252438 A146308 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. NWOZUZU
(ALBERTUS RAPHAEL)**

S252440 D069001 Fourth Appellate District, Div. 1

Petition for review denied

**ATEMPA (MARCO
ANTONIO) v. PEDRAZZANI
(PAOLO)**

S252472 A148228 First Appellate District, Div. 4

Petition for review denied

PEOPLE v. PIPKIN (RALPH)

S252476 G056307 Fourth Appellate District, Div. 3

Petition for review denied

IN RE T.A.

S252485	B275782 Second Appellate District, Div. 6	PEOPLE v. BRIM (KENTRAL)
Petitions for review denied		
S252494	E068490 Fourth Appellate District, Div. 2	PEOPLE v. GARCIA (RICHARD)
Petition for review denied		
S252505	H044508 Sixth Appellate District	PEOPLE v. MURRAY (RICKEY PAUL)
Petition for review denied		
S252520	B285004 Second Appellate District, Div. 5	PEOPLE v. SUWANNANGKUL (ANUCHA)
Petition for review denied		
S252525	E066461 Fourth Appellate District, Div. 2	CHEVELDAVE (ALEX) v. TRI PALMS UNIFIED OWNERS ASSOCIATION
Petition for review denied		
The request for judicial notice is denied.		
S252558	B276979 Second Appellate District, Div. 5	McCUIEN (STANLEY ALEC) v. DAVIS (MIKE)
Petition for review denied		
S252566	D073852 Fourth Appellate District, Div. 1	PEOPLE v. ARRIOLA (RUBEN)
Petition for review denied		
S252578	H044520 Sixth Appellate District	PEOPLE v. CORRAL (JOSEPH)
Petition for review denied		
S252579	B261900 Second Appellate District, Div. 6	PEOPLE v. SANTANA (EDGAR)

Petition for review denied

S252589 F072740 Fifth Appellate District

Petition for review denied

**PEOPLE v. MELENDEZ
(RICHARD ARMANDO)**

S252591 F077846 Fifth Appellate District

Petition for review denied

**CARTER (KEITH REAGAN)
ON H.C.**

S252594 H043058 Sixth Appellate District

Petition for review denied

**PEOPLE v. VILLALOBOS
(SALVADOR)**

S252596 F073329 Fifth Appellate District

Petition for review denied

**PEOPLE v. ESTRADA
(VICTOR JAVIER)**

S252608 B278113/B281330 Second Appellate District, Div. 3 **PEOPLE v. BENCOMO
(ELIESER)**

Petitions for review denied

S252613 B285182 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. LINDQUIST
(JEFFREY MICHAEL)**

S252619 H045539 Sixth Appellate District

Petition for review denied

C. (G.) v. S.C. (PEOPLE)

S252643 B286159 Second Appellate District, Div. 8

Petition for review denied

PEOPLE v. HADDAD (FADI)

S252648 B288376 Second Appellate District, Div. 6

Petitions for review denied

IN RE E.R.

S252658	B286478 Second Appellate District, Div. 6	PEOPLE v. SELDEN (EDWARD LAMONT)
Petition for review denied		
S252670	D074036 Fourth Appellate District, Div. 1	PEOPLE v. ELLISON, JR., (SMITH)
Petition for review denied		
S252685	A153252 First Appellate District, Div. 5	IN RE A.S.
Petition for review denied		
S252688	B286422 Second Appellate District, Div. 7	PEOPLE v. BRAZIEL (HOMER RAY)
Petition for review denied		
S252691	D072031 Fourth Appellate District, Div. 1	PEOPLE v. CDEBACA (CYNTHIA KAYE)
Petition for review denied		
S252692	B285612 Second Appellate District, Div. 4	PEOPLE v. L. (T.)
Petition for review denied		
S252700	F075656 Fifth Appellate District	PEOPLE v. BROWN (JACOB WILLIAM)
Petition for review denied		
S252709	B288334 Second Appellate District, Div. 1	PEOPLE v. MORENO (MIGUEL ANGEL)
Petition for review denied		
S252720	F073809 Fifth Appellate District	PEOPLE v. PHARISS (JEFFERY RANDALL)
Petition for review denied		

S252727	B281975 Second Appellate District, Div. 3	PEOPLE v. VALDEZ (RAYMOND JAMES)
Petition for review denied		
S252729	B282008 Second Appellate District, Div. 1	LAT (MARTY) v. FARMERS NEW WORLD LIFE INSURANCE COMPANY
Petition for review & depublication request(s) denied		
S252753	B282790 Second Appellate District, Div. 2	LEW (WAYNE B.) v. STATE FARM GENERAL INSURANCE COMPANY
Petition for review denied		
S252765	F072347 Fifth Appellate District	PEOPLE v. RIVERA (MIGUEL ANGEL)
Petition for review denied		
S252783	B288482 Second Appellate District, Div. 1	PEOPLE v. ROBLES (JUAN ANTONIO)
Petition for review denied		
S252785	B288111 Second Appellate District, Div. 1	PEOPLE v. BOWDRY (REGINALD LYDELL)
Petition for review denied		
S252797	H046268 Sixth Appellate District	AHUJA (RENUKA CHAINANI) v. S.C. (AHUJA)
Petition for review denied		
S252812	B293715 Second Appellate District, Div. 1	HARMON (DARYL) ON H.C.
Petition for review denied		
S252831	H046173 Sixth Appellate District	GREEN (RAYMOND A.) ON H.C.
Petition for review denied		

S252835 E070967 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. YOUNG (ZURI S. K.)

S252848 B288937 Second Appellate District, Div. 1
Petition for review denied

PEOPLE v. REYES (TOMMY)

S252855 B276512 Second Appellate District, Div. 7
Petition for review denied

PEOPLE v. LANE (DAVID)

S252857 E068936 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. DeVAUGHN
(MICHAEL OWEN)**

S252860 B283537 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CORTEZ
(HERIBERTO)**

S252863 B285736 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. ESTRELLA
(ARMANDO)**

S252865 C085514 Third Appellate District

Petition for review denied

**PEOPLE v. RIVERS
(JERMAINE)**

S252869 A155681 First Appellate District, Div. 5
Petition for review denied

COLE (EDDIE) ON H.C.

S252872 A153466 First Appellate District, Div. 3
Petition for review denied

IN RE A.W.

S252882 D073064 Fourth Appellate District, Div. 1

**SAVE OUR HERITAGE
ORGANISATION v. CITY OF
SAN DIEGO (THE PLAZA DE**

Petition for review denied

S252894

Petition for writ of error *coram nobis* denied

S252896 B284758 Second Appellate District, Div. 8

Petition for review denied

S252903 G054631 Fourth Appellate District, Div. 3

Petition for review denied

S252908 B288994 Second Appellate District, Div. 4

Petition for review denied

S252909 A153701 First Appellate District, Div. 2

Petition for review denied

S252910 C082953 Third Appellate District

Petition for review denied

S252917 D072734 Fourth Appellate District, Div. 1

Petition for review denied

S252920 B288839 Second Appellate District, Div. 6

Petition for review denied

PANAMA COMMITTEE)

**PEOPLE v. SLAUGHTER
(MARQUES)**

**PEOPLE v. OLIVARES
(CLESTINO)**

**PROTECT OUR HOMES &
HILLS v. COUNTY OF
ORANGE (YORBA LINDA
ESTATES, LLC)**

**PEOPLE v. WALKER
(CORNELL)**

IN RE CHARLES H.

**PEOPLE v. COOPER
(TYRONE)**

**PEOPLE v. CEBALLOS
(CINDY MARIE)**

**PEOPLE v.
MERRIKEN (LOUIS
GERALD)**

S252922 B282558 Second Appellate District, Div. 4

Petition for review denied

**IVORY EDUCATION
INSTITUTE v. DEPARTMENT
OF FISH & WILDLIFE;
NATURAL RESOURCES
DEFENSE COUNCIL, INC.**

S252924 C080722 Third Appellate District

Petition for review denied

**PEOPLE v. VANG (YOULEE
LEE)**

S252925 B283341 Second Appellate District, Div. 4

Petition for review denied

**T. MORRISSEY
CORPORATION v. THE
CHECK CONNECTION, INC.**

S252930 B285681 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WILLIAMS
(TRAVION MARCURSE)**

S252951 C088211 Third Appellate District

Petition for review denied

VO (RO VAN) ON H.C.

S252952 A146433 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. WASHINGTON
(ISAIAH N.)**

S252953 C082210 Third Appellate District

Petition for review denied

**PEOPLE v. BURNHART
(DAVID)**

S252956 B287638 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. BARRALES
(FERMIN)**

S252961 A154900 First Appellate District, Div. 2

Petition for review denied

**SUTTON (DANIEL) v. S.C.
(PEOPLE)**

S252964 D072149 Fourth Appellate District, Div. 1

Petition for review denied

**ELASALI (NOUREDDINE) v.
TORRES LADISLAO)**

S252968 C085117 Third Appellate District

Petition for review denied

**PEOPLE v. McKINLEY
(ANDREW SCOTT)**

S252970 E068578 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. WILSON (DARIN
KRISTOPHER)**

S252984 A153723 First Appellate District, Div. 2
Petition for review denied

IN RE ANDRE F.

S252986 A149232 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. SMITH (TRACY
CONRAD)**

S252989 C087374 Third Appellate District

Petition for review denied

**DEPARTMENT OF
FORESTRY & FIRE
PROTECTION v. S.C.
(HOWELL)**

S252996 A152388 First Appellate District, Div. 2

Petition for review denied

**ESPOSTO (LEONARD),
ESTATE OF**

S252997 B283801 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. LARSON (LEE
DEREK)**

S252998 A149108 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GUIDO (EMMA
NICOLE)**

S253004 B281324 Second Appellate District, Div. 2

Petition for review denied

**EBE (ROBERT) v. LOS
ANGELES COUNTY CIVIL
SERVICE COMMISSION**

S253012

Petition for writ of mandate/prohibition denied

**KLEIDMAN (PETER) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION FOUR
(RFF FAMILY
PARTNERSHIP, L.P.)**

S253028 F076731 Fifth Appellate District

Petition for review denied

**PEOPLE v. MOLINA, JR.,
(JUAN)**

S253036 D071979 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. HOLLIS
(ANDREW)**

S253037 E067755 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PEASE (DENNIS
GRIFFIN)**

S253039 C085016 Third Appellate District

Petition for review denied

**PEOPLE v. SCHWEIZER
(TYLER CHRISTOPHER)**

S253043 E069772 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. GALLEY, JR.,
(ALCIDE)**

S253050 F076686 Fifth Appellate District

Petition for review denied

**PEOPLE v. AZLIN
(KENNETH D.)**

S253051 A153064 First Appellate District, Div. 2
Petition for review denied

PEOPLE v. D. (M.)

S253055 B282620 Second Appellate District, Div. 7
Petition for review denied

PEOPLE v. PEREZ (HENRY)

S253231 A155320 First Appellate District, Div. 1

Petitions for review & application for stay denied

**ADVENTIST HEALTH
CLEARLAKE HOSPITAL,
INC. v. S.C. (KIME)**

S253466 G057155 Fourth Appellate District, Div. 3

Petition for review & application for stay denied

**RICHARDS (ALICE MARIE)
v. S.C. (RICHARDS)**

S240065

Petition for writ of habeas corpus denied

**MEZA (BRAYAN MARTIN)
ON H.C.**

S242876

The petition for writ of habeas corpus is denied as moot in light of Senate Bill No. 394, signed into law on October 11, 2017.

**BARNES (ROMAN EARL) ON
H.C.**

S248994

Petition for writ of habeas corpus denied

**McKENZIE (DOUGLAS
EDWARD) ON H.C.**

S249330

Petition for writ of habeas corpus denied

**SMITH (GAREY LEE) ON
H.C.**

S249435

Petition for writ of habeas corpus denied

KELLEY (LORNE) ON H.C.**S249462**

Petition for writ of habeas corpus denied

DALTON (TODD ERIC) ON H.C.**S249472**

Petition for writ of habeas corpus denied

JOHNSON (DELANO) ON H.C.**S249475**

Petition for writ of habeas corpus denied

RAMOS (BENJAMIN) ON H.C.**S250302**

Petition for writ of habeas corpus denied

COUSIN (PAUL EUGENE) ON H.C.**S250335**

Petition for writ of habeas corpus denied

MACHADO (OSCAR) ON H.C.**S250336**

Petition for writ of habeas corpus denied

POLLEY (STEPHEN) ON H.C.**S250337**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

McCREARY (JEFFREY) ON H.C.**S250338**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].)

BROWN (JERRY) ON H.C.

S250340**JUAREZ (JOSE) ON H.C.**

Petition for writ of habeas corpus denied

S250344**JOHNSON (ALONZO
BERNARD) ON H.C.**

Petition for writ of habeas corpus denied

S250345**LEE (TODD) ON H.C.**

Petition for writ of habeas corpus denied

S250346**JONES (MARVIN EUGENE)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S250350**PRESTON (NATHAN
LAMONT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].)

S250369**WHEELER (REGINALD) ON
H.C.**

Petition for writ of habeas corpus denied

S250371**JOHNSON (DERRICK L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].) Individual claims are denied, as applicable. (See *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S250397**HAMILTON (LIONELL) ON
H.C.**

Petition for writ of habeas corpus denied

S250442**WOOD (ROBERT JAMES
OSSAWA) ON H.C.**

Petition for writ of habeas corpus denied

S251197**JOHNSON (DERRICK L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S251259**JOHNSON (DERRICK L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S251376**GRUNWALD (JOSHUA) ON
H.C.**

Petition for writ of habeas corpus denied

S252158**RAOUF (JOSEPH P.) ON H.C.**

Petition for writ of habeas corpus denied

S252187**JOHNSON (DERRICK L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S252624**PALATO (JESSE JAMES) ON
H.C.**

Petition for writ of habeas corpus denied

S252636**HAMILTON (LIONELL) ON
H.C.**

Petition for writ of habeas corpus denied

S252927**MAGANA (EUDORO) ON
H.C.**

The petition for writ of habeas corpus is denied without prejudice to petitioner raising on direct appeal the issue of the superior court's jurisdiction to take petitioner's plea in the absence of a remittitur. The application for stay is denied.

S252939**NGUON (HUNG DUONG) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

S253029**LEE (TODD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S252236

B278127 Second Appellate District, Div. 3

**JERRIS (SHARON) v. JERRIS
(MARTIN)**

Publication request denied (case closed)

S252402

E067081 Fourth Appellate District, Div. 2

**LOW DESERT EMPIRE
PIZZA, INC. v. APPLIED
UNDERWRITERS, INC.**

Publication request denied (case closed)

S252519

D072178 Fourth Appellate District, Div. 1

**RODE (HELEN) v. ALLIANZ
LIFE INSURANCE
COMPANY**

Publication request denied (case closed)

S252609

B285198 Second Appellate District, Div. 8

**GLASER, WEIL, FINK,
HOWARD, AVCHEN &
SHAPIRO, LLP v.
GOLDSTEIN (GERALD)**

Publication request denied (case closed)

S252655 B285335 Second Appellate District, Div. 4 **IN RE M.M.**
Publication request denied (case closed)

S252973 B279896 Second Appellate District, Div. 8 **SHAME ON YOU
PRODUCTIONS, INC. v.
LAKESHORE
ENTERTAINMENT GROUP,
LLC**

Publication requests denied (case closed)

S214388 **PEOPLE v. AGUILAR
(JEFFREY)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to March 14, 2019.

S214917 **PEOPLE v. NASO (JOSEPH)**
Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to March 25, 2019.

S243855 B280676 Second Appellate District, Div. 8 **ASSOCIATION FOR LOS
ANGELES DEPUTY
SHERIFFS v. S.C. (LOS
ANGELES COUNTY
SHERIFF'S DEPARTMENT)**

Extension of time granted

Petitioner's application for extension of time is granted. The parties' supplemental briefs must be served and filed on or before February 22, 2019. Amici curiae may also serve and file supplemental briefs on or before February 22, 2019. Any reply by the parties to the supplemental briefs must be served and filed on or before March 8, 2019.

S253249 B272171 Second Appellate District, Div. 3 **PACHECO (RICHARD) v.
TUTTLE (GREG S.)**

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 answer to petition for review is extended to February 21, 2019.

No further extension of time will be granted.

S252134 B287131 Second Appellate District, Div. 5 **PEOPLE v. GLAVISH
(MICHAEL)**

Counsel appointment order filed

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

S173896 **LINDBERG (GUNNER JAY)
ON H.C.**

Order filed

On the court's own motion, the court has reconsidered its January 23, 2013 order in *In re Lindberg*, case number S173896, denying petitioner's "Motion to Amend First Amended Petition for Writ of Habeas Corpus," filed on October 22, 2012. The motion is hereby granted. The Clerk is directed to close *In re Lindberg*, case number S204545, and refile all documents filed in that case in *In re Lindberg*, case number S173896. The petition filed in S204545 on August 3, 2012, will be filed as the second amended petition in S173896. In issuing this order, the court has not considered whether any aspect of the second amended petition "will not be barred as successive insofar as petitioner can demonstrate that under all the circumstances, including considerations of federal law, the petition's allegations could not with reasonable diligence have been presented in the First Amended Petition," as provided in this court's November 10, 2010, order.

Pursuant to the court's October 10, 2018, order in S173896, the second amended petition and all related filings and matters are transferred to the Superior Court of California, County of Orange, pursuant to Penal Code section 1509, subdivision (g).

Petitioner's "Motion for Transfer and Consolidation, or in the Alternative, For Stay of Proceedings," filed in S204545 on November 19, 2018, is denied as moot.

Pending further order of the court, this court retains jurisdiction over all matters concerning the appointment of counsel for petitioner.

S204545 **LINDBERG (GUNNER JAY)
ON H.C.**

Order filed

On the court's own motion, the court has reconsidered its January 23, 2013, order in *In re Lindberg*, case number S173896, denying petitioner's "Motion to Amend First Amended Petition for Writ of Habeas Corpus," filed on October 22, 2012. The motion is hereby granted. The Clerk is directed to close *In re Lindberg*, case number S204545, and refile all documents filed in that

case in *In re Lindberg*, case number S173896. The petition filed in S204545 on August 3, 2012, will be filed as the second amended petition in S173896. In issuing this order, the court has not considered whether any aspect of the second amended petition “will not be barred as successive insofar as petitioner can demonstrate that under all the circumstances, including considerations of federal law, the petition’s allegations could not with reasonable diligence have been presented in the First Amended Petition,” as provided in this court’s November 10, 2010, order.

Pursuant to the court’s October 10, 2018, order in S173896, the second amended petition and all related filings and matters are transferred to the Superior Court of California, County of Orange, pursuant to Penal Code section 1509, subdivision (g).

Petitioner’s “Motion for Transfer and Consolidation, or in the Alternative, For Stay of Proceedings,” filed in S204545 on November 19, 2018, is denied as moot.

Pending further order of the court, this court retains jurisdiction over all matters concerning the appointment of counsel for petitioner.

S253079**PANTOJA (DANIEL) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Fifth Appellate District

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

S252123**ACCUSATION OF HOWE**

Petition denied (accusation)

S252582**ACCUSATION OF
FITZGERALD**

Petition denied (accusation)

S252719**ACCUSATION OF RONELL**

Petition denied (accusation)

S252852**ACCUSATION OF
MICENHEIMER**

Petition denied (accusation)

S252983**ACCUSATION OF SCHNAGL**

Petition denied (accusation)

S252995

Petition denied

(accusation)

ACCUSATION OF DAVIS**S253053**

Petition denied

(accusation)

**ACCUSATION OF
CHAMBERLIN****S251618**

Remanded to State Bar

ACCUSATION OF MIRANDA

The court directs the State Bar Office of Chief Trial Counsel to reopen and reconsider the complaint brought by David A. Miranda against Patrick M. Ford, Case No. 17-O-03322, in light of the evidentiary record, the standards for violations of California Rules of Professional Conduct, rule 3-500 and Business and Professions Code 6068, subdivision (m), the State Bar's standard for issuance of a warning letter in lieu of discipline pursuant to Rules of Procedure of the State Bar, rule 2601, and the potentially significant harm that the multiple alleged instances of misconduct caused the client in this matter.



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SACRAMENTO SESSION
FEBRUARY 5 and 6, 2019**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento, California, on February 5 and 6, 2019.

TUESDAY, FEBRUARY 5, 2019 — 10:00 A.M.

- (1) Black Sky Capital, LLC v. Cobb (Michael A.) et al., S243294
- (2) People v. Bell (Michael Leon), [Automatic Appeal], S080056

1:30 P.M.

- (3) People v. Dalton (Kerry Lyn), [Automatic Appeal], S046848
- (4) People v. Lara II (Henry Arsenio), S243975
- (5) People v. Sanchez (Juan), [Automatic Appeal], S087569

WEDNESDAY, FEBRUARY 6, 2019 — 9:00 A.M.

- (6) FilmOn.com v. DoubleVerify Inc., S244157
- (7) People v. Caro (Socorro Susan), [Automatic Appeal], S106274
- (8) Melendez (George) et al. v. San Francisco Baseball Associates LLC, S245607

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).)