

**SUPREME COURT MINUTES
WEDNESDAY, JANUARY 17, 2018
SAN FRANCISCO, CALIFORNIA**

S245203 D072171 Fourth Appellate District, Div. 1 **FACEBOOK, INC. v. S.C.
(TOUCHSTONE)**

Petition for review granted

The petition for review is granted. In connection with the briefs that the parties will file in this matter, the parties are directed to include and address the following:

- (1) If, on remand and in conjunction with continuing pretrial proceedings, the prosecution lists the victim as a witness who will testify at trial (see Pen. Code, §§ 1054.1, subd. (a); 1054.7) and if the materiality of the sought communications is shown, does the trial court have authority, pursuant to statutory and/or inherent power to control litigation before it and to insure fair proceedings, to order the victim witness (or any other listed witness), on pain of sanctions, to either (a) comply with a subpoena served on him or her, seeking disclosure of the sought communications subject to in camera review and any appropriate protective or limiting conditions, or (b) consent to disclosure by provider Facebook subject to in camera review and any appropriate protective or limiting conditions?
- (2) Would a court order under either (1)(a) or (1)(b) be valid under the Stored Communications Act, 18 U.S.C., section 2702(b)(3)?
- (3) Assuming orders described in (1) cannot properly be issued and enforced in conjunction with continuing *pretrial* proceedings, does the trial court have authority, on an appropriate showing *during trial*, to issue and enforce such orders?
- (4) Would a court order contemplated under (3) be proper under the Stored Communications Act, 18 U.S.C., section 2702(b)(3)?

With regard to questions (1)-(4), see, e.g., *O'Grady v. Superior Court* (2006) 139 Cal.App.4th 1423; *Juror Number One v. Superior Court* (2012) 206 Cal.App.4th 854; *Negro v. Superior Court* (2014) 230 Cal.App.4th 879; and the Court of Appeal decision below, *Facebook, Inc., v. Superior Court (Touchstone)* (2017) 15 Cal.App.5th 729, 745-748.

- (5) As an alternative to options (1) or (3) set forth above, may the trial court, acting pursuant to statutory and/or inherent authority to control the litigation before it and to insure fair proceedings, and consistently with 18 U.S.C. section 2702(b)(3), order the prosecution to issue a search warrant under 18 U.S.C. section 2703 regarding the sought communications? (Cf. *State v. Bray* (Or.App. 2016) 383 P.3d 883, pets. for rev. accepted June 15, 2017, 397 P.3d 30 [S064843, the state's pet.]; 397 P.3d 37 [S064846, the defendant's pet.].) In this regard, what is the effect, if any, of California Constitution, article I, sections 15 and 24?

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

S244768 F066160/F066278 Fifth Appellate District**PEOPLE v. NASH (KATILA
ANN JEAN)**

Petition for review granted; briefing deferred

The petitions for review are granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Mendoza*, S241647 (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, and Kruger, JJ.

S245420 B263095 Second Appellate District, Div. 1**MELAMED (HOOMAN) v.
CEDARS-SINAI MEDICAL
CENTER**

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 *Wilson v. Cable News Network, Inc.*, S239686 (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, and Kruger, JJ.

S245701 E066353 Fourth Appellate District, Div. 2**PEOPLE v. VICARIO
(RUDOLPH VALDEZ)**

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. Valenzuela*, S232900 (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, and Kruger, JJ.

S245903 F074488 Fifth Appellate District**PEOPLE v. BEARD
(ANTHONY MARCEL)**

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. Valenzuela*, S232900 (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, and Kruger, JJ.

S166477**MUNGIA (JOHN) ON H.C.**

Order to show cause issued, returnable in Superior Court (Atkins claim)

This petition for writ of habeas corpus was filed in this court on September 4, 2008, and amended on June 1, 2010, before the effective date of Proposition 66, the “Death Penalty Reform and Savings Act of 2016.” (See *Briggs v. Brown* (2017) 3 Cal.5th 808, 862, reh. den. Oct. 25, 2017.) Under section 1509, subdivision (g) of the Penal Code, the court exercises its authority to retain this petition and decide it.

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause in the Superior Court for Riverside County, when the matter is placed on calendar, why the relief prayed for should not be granted on the grounds that: (1) trial counsel provided ineffective assistance during the penalty phase, as alleged in Claim Five; and (2) petitioner is intellectually disabled within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in Claim Six (see *In re Hawthorne* (2005) 35 Cal.4th 40).

The return is to be filed on or before February 16, 2018.

All remaining claims in the petition are denied on the merits, except to the extent that Claim Thirteen contends petitioner is not competent to be executed, which is denied as premature and without prejudice to petitioner’s filing a renewed petition after an execution date is set.

Claim Eight and Nine, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225, to the extent they were raised and rejected on appeal.

Claims Nine and Eleven, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Dixon* (1953) 41 Cal.2d 756, 759, to the extent they could have been raised on appeal but were not.

Claims Seven and Twelve, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Seaton* (2004) 34 Cal.4th 193, 201, to the extent they could have been raised in the trial court but were not.

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

S245286

H042511 Sixth Appellate District

PEOPLE v. SINGH (RICHARD RAVANESH)

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

The petitions for review are granted. The matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and further consider the cause in light of S.B. 620 (Stats. 2017, ch. 682). (Cal. Rules of Court, rule 8.528(d).)

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

S245323

C085831 Third Appellate District

SCHOEMIG (PETER) ON H.C.

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

The motion for appointment of counsel is denied.

The petition for review is granted. The matter is transferred to the Court of Appeal, Third

Appellate District, with directions to vacate its November 2, 2017, order denying the petition for writ of habeas corpus, and to issue an order directing respondent to show cause before that court why petitioner is not entitled to the relief requested. (See *In re Martinez on Habeas Corpus* (2017) 3 Cal.5th 1216; *People v. Chiu* (2014) 59 Cal.4th 155.)

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

S209032**PEOPLE v. AVALOS (EMILIO MANUEL)**

Appeal abated

As indicated in a certified copy of a certificate of death, appellant Emilio Manuel Avalos died on November 1, 2017. Accordingly, the appeal in *People v. Emilio Manuel Avalos*, case no. S209032, is permanently abated, and the Superior Court of California, County of Riverside is directed to enter an order to that effect in case no. INF054346. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.) The “Motion for Abatement of Appeal,” filed by appellant’s counsel on December 8, 2017, is denied.

S096438**CARTER (TRACEY LAVELL) ON H.C.**

Petition for writ of habeas corpus denied (AA)

On the court’s own motion, this matter is transferred to the Superior Court of California, County of Los Angeles, for adjudication of the claims set forth in this court’s November 13, 2008, amended order to show cause: “ineffective assistance of counsel in the penalty phase (1) in failing to investigate and present evidence of petitioner’s alleged brain damage and life and family history, as alleged in part IX of the petition; and (2) in hiring, preparing and examining mental health experts, as alleged in part XII of the petition.” Accordingly, this court’s April 10, 2013, order directing that a reference hearing be conducted, and the May 1, 2013, order appointing Judge William C. Ryan as this court’s referee are vacated.

All other claims set forth in the petition for writ of habeas corpus are denied on the merits, except the claim alleged in part XVIII, which is denied as premature.

In addition, the claims alleged in parts X, XVII, XXI (to the extent it is based on the record), and XXIV (except to the extent it alleges ineffective assistance of counsel) are procedurally barred under *In re Dixon* (1953) 41 Cal.2d 756, 759 because the claims could have been raised on appeal, and the claims alleged in parts XX and XXIII are procedurally barred under *In re Seaton* (2004) 34 Cal.4th 193, 200, because they could have been raised at trial.

The following practices will apply to requests that this court (a) pay attorney fees for counsel appointed by this court or (b) reimburse necessary and reasonable expenses related to the habeas corpus proceeding. Such requests will be governed by the Payment Guidelines for Appointed Counsel Representing Indigent Criminal Appellants in the California Supreme Court, Guidelines II.I and III. Counsel must first obtain the superior court’s recommendation for payment.

However, the superior court’s recommendation is not binding on the Supreme Court, which will exercise independent review of the request.

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

S158710**LYNCH (FRANKLIN) ON
H.C.**

Petition for writ of habeas corpus denied (AA)

The “Petition for Writ of Habeas Corpus” was filed in this court on December 3, 2007, before the effective date of Proposition 66, the “Death Penalty Reform and Savings Act of 2016.” (See *Briggs v. Brown et al.* (2017) 3 Cal.5th 808, 862, reh’g. den. Oct. 25, 2017.) Under section 1509, subdivision (g) of the Penal Code, the court exercises its authority to retain this petition and decide it.

The petition for writ of habeas corpus is denied. All claims are denied on the merits.

S245087 C084085 Third Appellate District
Petition for review denied**IN RE K.S.****S245104** A148535 First Appellate District, Div. 4**PEOPLE v. THOMAS
(ANTOINE)**

Petition for review denied

Cuéllar and Kruger, JJ., are of the opinion the petition should be granted.

S245139 A144499 First Appellate District, Div. 5**DANNER III (JOHN H.) v.
CITY & COUNTY OF SAN
FRANCISCO**

Petition for review & publication request(s) denied

S245144 G052926 Fourth Appellate District, Div. 3**PEOPLE v. GRIMES (DONNIS
JAMES)**

Petition for review denied

S245183 E065707 Fourth Appellate District, Div. 2**PEOPLE v. DEVAUGHN
(MICHAEL OWEN)**

Petition for review denied

S245216 F072993 Fifth Appellate District**RIVERBANK UNIFIED
SCHOOL DISTRICT v.
COMMISSION ON
PROFESSIONAL
COMPETENCE (PIEF)**

Petition for review & publication request(s) denied

S245226 A143470 First Appellate District, Div. 5

Petition for review denied

Corrigan, J., is of the opinion the petition should be granted.

**PEOPLE v. MOORING, JR.,
(DARRELL ELLIS)**

S245268 H043823 Sixth Appellate District

Petition for review denied

**KILLENS (JORDAN LUIS)
ON H.C.**

S245275 B266421 Second Appellate District, Div. 3

Petition for review denied

**JOHNSON (CLEAMON
DEMONE) v. S.C. (PEOPLE)**

S245287 C078278 Third Appellate District

Petition for review denied

Kruger, J., is of the opinion the petition should be granted.

**PEOPLE v. BONNER, JR.,
(ROGER EARL)**

S245291 C080546 Third Appellate District

Petition for review denied

**BECERRA (XAVIER) v. ROSE
(DARREN PAUL)**

S245294 A152668 First Appellate District, Div. 5

Petition for review denied

**SIMONS (RAY GONZALEZ)
v. S.C. (PEOPLE)**

S245306 C085807 Third Appellate District

Petition for review denied

MONTANO (JESUS) ON H.C.

S245308 H041739 Sixth Appellate District

Petitions for review denied

**PEOPLE v. PETTIE
(VINCENT)**

S245325 C075909 Third Appellate District

Petition for review denied

**PEOPLE v. MAYS
(DEMETRIUS WAYNE)**

S245352 H043781 Sixth Appellate District

Petition for review denied

**SINGH (RICHARD
RAVANESH) ON H.C.**

S245387 A147515 First Appellate District, Div. 3

Petition for review denied

Chin and Corrigan, JJ., were recused and did not participate.

**JAMESON (STEVE) v.
PACIFIC GAS & ELECTRIC
COMPANY**

S245389 G055591 Fourth Appellate District, Div. 3

Petition for review denied

**SPENCER (ROBERT
MARSHALL) ON H.C.**

S245408 B278185 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. ROBERTS
(JESSIE C.)**

S245413 H043381 Sixth Appellate District

Petition for review denied

**PEOPLE v. McLAUGHLIN
(RAYMOND ANTHONY)**

S245435 F069894 Fifth Appellate District

Petition for review denied

**PEOPLE v. HERRERA
(ARMANDO ENRIQUE)**

S245449 B271103 Second Appellate District, Div. 8

Petition for review denied

**ZHAO (CHARLIE) v. YOUNG
(SUZIE)**

S245454 A145658 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. FERRER (JUAN
JOSEPH)**

S245455 A146465 First Appellate District, Div. 2

Petition for review denied

PEOPLE v. MUNGUIA-HERNANDEZ, JR., (HUGO HEDUARDO)

S245519 E065184 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. DAVIS (JEFFERY ALLAN)

S245528 H044144 Sixth Appellate District

Petition for review denied

PEOPLE v. ELERICK (GARY RUSSELL)

S245530 B266893 Second Appellate District, Div. 5

Petition for review denied

MALIBU TOWNSHIP COUNCIL, INC. v. CITY COUNCIL OF THE CITY OF MALIBU

S245547 H043095 Sixth Appellate District

Petition for review denied

PEOPLE v. MARTINEZ (MARIA)

S245552 B285229 Second Appellate District, Div. 3

Petition for review denied

TALENT PARTNERS COMMERCIAL SERVICES, LLC v. S.C. (I. W.)

S245565 C082088 Third Appellate District

Petition for review denied

PEOPLE v. GARCIA (RAYMOND JOSEPH)

S245617 B271782 Second Appellate District, Div. 7

Petition for review denied

CHOI (YOON MAN) v. HYUNDAE HEALTH CENTER, INC.

S245623 A147972 First Appellate District, Div. 2

Petition for review denied

**GLAUDE (ROYAL EDWARD)
v. GLAUDE (DONALD M.)**

S245647 E064397 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. AMANKRAH
(SAMUEL KWAME)**

S245677 D069161 Fourth Appellate District, Div. 1

Petition for review denied

**DRYDEN OAKS, LLC v. SAN
DIEGO COUNTY REGIONAL
AIRPORT AUTHORITY**

S245703 B271254 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SIMS (RODNEY
LOUIS)**

S245728 C085574 Third Appellate District

Petition for review denied

**VISTE TORRE, LLC v. S.C.
(BBC SERVICES, INC.)**

S245756 C082692 Third Appellate District

Petition for review denied

**PEOPLE v. FICKENWORTH
(GARRISON)**

S245772 B266846 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. PALATO (JESSE
JAMES)**

S245795 C075264/C076709 Third Appellate District

Petition for review denied

**STEWART TITLE
GUARANTY COMPANY v.
BORKOWSKI (MICHAEL)**

S245798	A148355 First Appellate District, Div. 4	FLYNN (CHARLES) v. KHOSROWPANAH (JALEH ASHTIANI)
Petition for review & publication request(s) denied		
S245825	A147798 First Appellate District, Div. 4	PEOPLE v. YIU (MARINA CHEUNG)
Petition for review denied		
S245835	A141051 First Appellate District, Div. 4	PEOPLE v. LAND (GREGORY)
Petition for review denied		
S245847	F076574 Fifth Appellate District	JOHNSON (DUSHAWN) v. S.C. (FRONTLINE AUTO BROKERS, INC.)
Petition for review & application for stay denied		
S245855	E065358 Fourth Appellate District, Div. 2	THE KENNEDY COMMISSION v. CITY OF HUNTINGTON BEACH
Petition for review & depublication request(s) denied		
S245861	G053283 Fourth Appellate District, Div. 3	PEOPLE v. BODE (ZANDLE RODRICK)
Petition for review denied		
S245862	B278445 Second Appellate District, Div. 2	PEOPLE v. MARKS (JARED ANTHONY)
Petition for review denied		
S245865	A142391/A143550 First Appellate District, Div. 2	VESPREMI (DAVID) v. TESLA MOTORS, INC.
Petition for review denied		

S245866	B281928 Second Appellate District, Div. 1	THE INLAND OVERSIGHT COMMITTEE v. SQUIRE, SANDERS & DEMPSEY (US) LLP
Petition for review denied		
S245872	A148229 First Appellate District, Div. 2	PEOPLE v. MANANQUIL (PEDRO BATLE)
Petition for review denied		
S245873	B276724 Second Appellate District, Div. 7	FIRST SOUTHERN CAPITAL DEVELOPMENT CORPORATION v. SHEET METAL WORKERS' PENSION PLAN OF SOUTHERN CALIFORNIA, ARIZONA AND NEVADA
Petition for review denied		
S245876	D071036 Fourth Appellate District, Div. 1	PEOPLE v. QAMAR (ASAD AL)
Petition for review denied		
S245877	B285024 Second Appellate District, Div. 2	BUTLER (RAYMOND O.) v. S.C. (PEOPLE)
Petition for review denied		
S245892	B272408/B276290 Second Appellate District, Div. 1	KINNEY (CHARLES) v. CLARK (MICHELE R.)
Petition for review denied		
S245898	C082908 Third Appellate District	PEOPLE v. BETZ (RICHARD LEE)
Petition for review denied		

S245900	A139642/A140030 First Appellate District, Div. 4	HYON (JUNHO) v. LIGHT (HAROLD J.)
Petition for review denied		
S245907	D070803 Fourth Appellate District, Div. 1	PEOPLE v. BOSCO (GIULIANA)
Petition for review denied		
S245914	B265373 Second Appellate District, Div. 5	LICHTMAN (JOANNE) v. SIEMENS INDUSTRY INC.
Petition for review denied		
S245919	B286332 Second Appellate District, Div. 4	THOMAS (TITO ACE) ON H.C.
Petition for review denied		
S245927	D070568 Fourth Appellate District, Div. 1	PEOPLE v. BASEM (RAED WISAM)
Petition for review denied		
S245928	G053237 Fourth Appellate District, Div. 3	PEOPLE v. ROCA (DANILO ARTURO)
Petition for review denied		
S245930	F072411 Fifth Appellate District	PEOPLE v. MOON (ROBBY JON)
Petition for review denied		
S245934	H045220 Sixth Appellate District	RODRIGUEZ (EDUARDO) ON H.C.
Petition for review denied		
S245938	B275954 Second Appellate District, Div. 6	PEOPLE v. VALDEZ (MIGUEL)
Petition for review denied		

S245955 B277214 Second Appellate District, Div. 6

RICHARDS (HARRY DANIEL) v. COUNTY OF VENTURA

Petition for review denied

S245966 C085947 Third Appellate District

LEBLANC (ANTOINE) ON H.C.

Petition for review denied

S246038 B286426 Second Appellate District, Div. 8
Petition for review & application for stay denied

M. (MARIO) v. S.C. (PEOPLE)

S245030

HOMICK (ROBERT T.) ON H.C.

Petition for writ of habeas corpus denied

S245031

WORMLEY (TYRIN J.) ON H.C.

Petition for writ of habeas corpus denied

S245037

SANCHEZ (JUAN CARLOS) 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].) Individual claims are denied as applicable. (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 Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *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 Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence].)

S245045

SMITH (JOSEPH) 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].)

S245046**BROWNLEE (TERRENCE)
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].)

S245055**SEMISCH (JAMES) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *Butler on Habeas Corpus*, S237014.

S245058**WOODHOUSE (KEITH E.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *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].)

S245080**MURATALLA (GERARDO
SANCHEZ) ON H.C.**

Petition for writ of habeas corpus denied

S245129**BODNAR (THOMAS) ON H.C.**

Petition for writ of habeas corpus denied

S245143**CALDERON-SILVA
(MARCELINO) ON H.C.**

Petition for writ of habeas corpus denied

S245147**GIVENS (FRANCOIS P.) ON
H.C.**

Petition for writ of habeas corpus denied

S245148**CARTER (JASON) ON H.C.**

Petition for writ of habeas corpus denied

S246023**CORRAL (DYLAN) 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].)

S246267**AMANKRAH (SAMUEL
KWAME) ON H.C.**

Petition for writ of habeas corpus denied

S245201

B271937 Second Appellate District, Div. 4

**CHRISTMAN (CRYSTAL) v.
APPLE AMERICAN GROUP
II LLC**

Publication request denied (case closed)

S245624

B275805 Second Appellate District, Div. 2

**HEREK (MICHAEL) v. LOS
ANGELES COUNTY
EMPLOYEES RETIREMENT
ASSOCIATION**

Publication request denied (case closed)

S245666

B277798 Second Appellate District, Div. 2

IN RE S.H.

Publication request denied (case closed)

S240156

B265990 Second Appellate District, Div. 2

**MATHEWS (DON L.) v.
BECERRA (XAVIER)**

Extension of time granted

On application of respondent Xavier Becerra and good cause appearing, it is ordered that the time to serve and file the response to amicus is extended to February 14, 2018.

S245546**WALKER (JOHNATHAN) 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 January 25, 2018.

S245900**HYON (JUNHO) v. LIGHT
(HAROLD J.)**

Order filed

The application of appellant to attach exhibits to the petition for review filed on December 21, 2017, is denied.

S245125

D070072 Fourth Appellate District, Div. 1

**PEOPLE v. ROSALES
(MIGUEL)**

Counsel appointment order filed

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

S245273

D070928 Fourth Appellate District, Div. 1

**PEOPLE v. PUCKETT
(ELIZABETH J.)**

Counsel appointment order filed

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

S245409

D071956 Fourth Appellate District, Div. 1

PEOPLE v. SMITH (HARVIE)

Counsel appointment order filed

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

S245462

E066390 Fourth Appellate District, Div. 2

**PEOPLE v. PEREZ
(RICARDO ANTHONY)**

Counsel appointment order filed

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

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

Record ordered unsealed

Respondent's "Application for Access to and Unsealing of Sealed Transcript and Declaration in Support Thereof," filed on November 1, 2017, is granted. The Clerk is directed to unseal, make part of the public record, and provide to Respondent a copy of the "Reporter's Transcript," Volume 12-A, pages 3410-3421.

S195973**BIVERT (KENNETH RAY)
ON H.C.**

Motion to file document under seal granted

Petitioner's "Application to File Under Seal the Amended Petition for Writ of Habeas Corpus," filed on November 27, 2017, is granted. The Clerk is directed to file under seal the unredacted version of the amended petition, lodged conditionally under seal on November 27, 2017, and to publicly file the redacted version of the amended petition, lodged with the court on November 27, 2017.

S245336**ACCUSATION OF CLAUSE**

Petition denied (accusation)

S245651**ACCUSATION OF FAITH**

Petition denied (accusation)

S245913**ACCUSATION OF LEUNG**

Petition denied (accusation)

S245926**ACCUSATION OF
DAVIDSON**

Petition denied (accusation)

S245446**BENNETT ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL CHRISTOPHER BENNETT, State Bar Number 240565, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

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

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

S245448**BICKLEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOSEPH MALTE BICKLEY, State Bar Number 171766, 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. JOSEPH MALTE BICKLEY is suspended from the practice of law for the first 60 days of probation;
2. JOSEPH MALTE BICKLEY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 25, 2017; and
3. At the expiration of the period of probation, if JOSEPH MALTE BICKLEY has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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

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

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2019, 2020, and 2021. If JOSEPH MALTE BICKLEY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S245452

BUTLER ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that BRENDT CURTIS BUTLER, State Bar Number 211273, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BRENDT CURTIS BUTLER must make restitution to Lisa LaFaive in the amount of \$1,000 plus 10 percent interest per year from December 15, 2014. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

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

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

S245456

DZIALO ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that JOHN THOMAS DZIALO, State Bar Number 159996, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JOHN THOMAS DZIALO must make restitution to James Agalos in the amount of \$7,475 plus 10 percent interest per year from September 30, 2015. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions

(c) and (d).

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

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

S245464**FAULK ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RONALD EDWARD FAULK, State Bar Number 68325, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

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

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