

**SUPREME COURT MINUTES  
MONDAY, JULY 20, 2020  
SAN FRANCISCO, CALIFORNIA**

**S228137****ROBINSON (JULIUS M.) v.  
LEWIS (G.W.)**

Opinion filed

We summarize the procedures relevant to gap delay and our answer to the question the Ninth Circuit posed as follows: Petitioners challenging a state court judgment by means of a petition for a writ of habeas corpus that is not related to a pending direct appeal should first file the petition in the superior court that rendered the judgment. If the superior court denies the petition, the petitioner may file a new petition in the Court of Appeal. That court has discretion to deny without prejudice a petition presenting claims that had not first been presented to the superior court if the court believes it is beneficial to do so. If the Court of Appeal denies the petition, the petitioner may either file a petition for review in this court or file a new petition for a writ of habeas corpus invoking this court's original jurisdiction. This court also has discretion to deny without prejudice a petition presenting claims that had not previously been presented to the lower courts.

In this process, delay between the filing of the petition in a higher court after the lower court denied relief is relevant to the overall question of timeliness of the claims presented in the petition, but it is not a separate question, and no specific time limits exist. Such delay of up to 120 days would never be considered substantial delay and would not, by itself, make the claim untimely if the petitioner had otherwise presented the claim without substantial delay. Gap delay beyond that time period will not automatically be considered substantial delay but will simply be a relevant factor for the court to consider as part of its overall analysis under *Robbins, supra*, 18 Cal.4th 770.

Majority Opinion by Groban, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

**S107900****PEOPLE v. WRIGHT, JR.,  
(WILLIAM LEE)**

Extension of time granted

Based upon Senior Deputy State Public Defender Alison Bernstein's representation that the supplemental appellant's reply brief is anticipated to be filed by August 25, 2020, an extension of time in which to serve and file that brief is granted to August 25, 2020. After that date, no further extension is contemplated.

**S146528****PEOPLE v. SNYDER  
(JANEEN MARIE) &  
THORNTON (MICHAEL  
FORREST)**

Extension of time granted

Based upon counsel Tracy J. Dressner's representation that appellant Janeen Marie Snyder's opening brief is anticipated to be filed by December 24, 2020, an extension of time in which to serve and file that brief is granted to August 24, 2020. After that date, only two further extensions totaling about 123 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).)

**S162506****PEOPLE v. CHAVEZ (JUAN  
JOSE)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's reply brief is extended to September 14, 2020.

**S165894****PEOPLE v. PENUELAS  
(JESUS GUADALUPE  
VELAZQUEZ)**

Extension of time granted

Upon application of appellant's counsel, Senior Deputy State Public Defender Lisa M. Romo, an extension of time in which to serve and file the appellant's reply brief is granted to September 4, 2020. After that date, only three further extensions totaling about 125 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).)

**S180112****PEOPLE v. DANIELS, JR.,  
(JACKSON CHAMBERS)**

Extension of time granted

Based upon Deputy Attorney General Amanda E. Casillas's representation that the respondent's brief is anticipated to be filed by November 9, 2020, an extension of time in which to serve and file that brief is granted to September 8, 2020. After that date, only one further extension totaling about 61 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).)

**S185140****PEOPLE v. HEARD (JAMES  
MATTHEW)**

Extension of time granted

Based upon counsel Jonathan P. Milberg's representation that the appellant's reply brief is anticipated to be filed by August 29, 2020, an extension of time in which to serve and file that brief is granted to August 31, 2020. After that date, no further extension is contemplated.

**S189296****PEOPLE v. PANIAGUA, JR.,  
(RODRIGO ORTIZ)**

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 September 11, 2020.

**S191346****PEOPLE v. BERNOUDY  
(KEVIN)**

Extension of time granted

Based upon counsel Laura Schaefer's representation that the appellant's reply brief is anticipated to be filed by December 6, 2020, an extension of time in which to serve and file that brief is granted to September 8, 2020. After that date, only two further extensions totaling about 93 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).)

**S200016****PEOPLE v. TOPETE (MARCO ANTONIO)**

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 August 31, 2020.

**S206484****PEOPLE v. ESPINOZA (PEDRO)**

Extension of time granted

Based upon counsel Debra S. Sabah Press's representation that the appellant's reply brief is anticipated to be filed by August 25, 2020, an extension of time in which to serve and file that brief is granted to August 25, 2020. After that date, no further extension is contemplated.

**S210054****PEOPLE v. CERVANTES (DANIEL) & CONTRERAS (CARLOS)**

Extension of time granted

Upon application of Supervising Deputy State Public Defender Nina Wilder, counsel for appellant Carlos Contreras, an extension of time in which to serve and file appellant Contreras's opening brief is granted to September 4, 2020. After that date only one further extension totaling about 52 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).)

**S211060****PEOPLE v. GALVAN (ROBERT)**

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 September 4, 2020.

**S212030****PEOPLE v. PEREZ (JOHN  
MICHAEL) & RUIZ (RUDY  
ANTHONY)**

Extension of time granted

On application of appellant Rudy Anthony Ruiz, it is ordered that the time to serve and file appellant's opening brief is extended to August 28, 2020.

**S212030****PEOPLE v. PEREZ (JOHN  
MICHAEL) & RUIZ (RUDY  
ANTHONY)**

Extension of time granted

On application of appellant John M. Perez, it is ordered that the time to serve and file appellant's opening brief is extended to August 28, 2020.

**S213242****PEOPLE v. SMITH  
(CHARLES RAY)**

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 August 25, 2020.

**S215960****PEOPLE v. MENDOZA  
(ANGEL)**

Extension of time granted

Based upon counsel Catherine White's representation that the appellant's opening brief is anticipated to be filed by October 26, 2020, an extension of time in which to serve and file that brief is granted to August 25, 2020. After that date, only one further extension totaling about 61 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).)

**S216466****PEOPLE v. BALCOM (JASON  
MICHAEL)**

Extension of time granted

Based upon counsel Stephen M. Lathrop's representation that the appellant's opening brief is anticipated to be filed by September 18, 2020, an extension of time in which to serve and file that brief is granted to August 25, 2020. After that date, only one further extension totaling about 23 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).)

**S216750****PEOPLE v. HANN (JESSICA  
MARIE)**

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 August 31, 2020.

**S217774****PEOPLE v. THOMSON (JOHN  
WAYNE)**

Extension of time granted

Based upon counsel Paul Couenhoven's representation that the appellant's opening brief is anticipated to be filed by September 5, 2021, an extension of time in which to serve and file that brief is granted to September 4, 2020. After that date, only six further extensions totaling about 367 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).)

**S219382****PEOPLE v. THOMAS  
(HILBERT PINEIL)**

Extension of time granted

Based upon Deputy Attorney General Dina Petrushenko's representation that the respondent's brief is anticipated to be filed by November 12, 2020, an extension of time in which to serve and file that brief is granted to September 14, 2020. After that date, only one further extension totaling about 60 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).)

**S220332****PEOPLE v. TURNER  
(CHESTER DEWAYNE)**

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 August 24, 2020.

**S221846****PEOPLE v. HALEY (KEVIN  
BERNARD)**

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 September 4, 2020.

**S223978****PEOPLE v. FULLER  
(ROBERT DALE)**

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 August 28, 2020.

**S224710****PEOPLE v. ESPARZA  
(ANGEL ANTHONY)**

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 August 31, 2020.

**S225020****PEOPLE v. MURTAZA  
(IFTEKHAR)**

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 September 4, 2020.

**S226030****PEOPLE v. CORONADO, JR.,  
(JUAN RAMON)**

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 September 8, 2020.

**S226760****PEOPLE v. LIGHTSEY  
(CHRISTOPHER CHARLES)**

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 September 11, 2020.

**S232428****PEOPLE v. PASASOUK (KA)**

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 September 4, 2020.

**S259563****HARPER (JASON SCOTT) ON  
H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to August 27, 2020.

**S254554**

D073304 Fourth Appellate District, Div. 1

**PEOPLE v. AGUAYO  
(VERONICA)**

Order filed

Appellant may serve and file a second supplemental reply brief on or before August 3, 2020. Appellant's second supplemental reply brief is limited to 2,800 words. (See Cal. Rules of Court, rule 8.520(d)(2).) No further supplemental briefing is contemplated.