

**SUPREME COURT MINUTES
THURSDAY, JULY 23, 2020
SAN FRANCISCO, CALIFORNIA**

S252473

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

Opinion filed

We answer the Ninth Circuit’s question as follows: Evidence Code section 662 does not apply to property acquired during marriage when it conflicts with Family Code section 760. For joint tenancy property acquired during marriage before 1975, each spouse’s interest is presumptively separate in character. (Fam. Code, § 803; *Siberell, supra*, 214 Cal. at p. 773.) For joint tenancy property acquired with community funds on or after January 1, 1975, the property is presumptively community in character. (Fam. Code, § 760.)

If such property was acquired before 1985, the parties can show a transmutation from community property to separate property by oral or written agreement or a common understanding. (Fam. Code, § 852, subd. (e); *Estate of Blair, supra*, 199 Cal.App.3d at p. 167.) Although a joint tenancy deed is insufficient to effect a transmutation, a court may consider the form of title in determining whether the parties had a common agreement or understanding under the pre-1985 rules. (See *MacDonald, supra*, 51 Cal. 3d at p. 270 & fn. 6.) For joint tenancy property acquired with community funds on or after January 1, 1985, a valid transmutation from community property to separate property requires a written declaration that expressly states that the character or ownership of the property is being changed. (Fam. Code, § 852, subd. (a); *MacDonald*, at p. 272). A joint tenancy deed, by itself, does not suffice.

Nothing in our decision precludes spouses from holding separate property as joint tenants or from transmuting community property into separate property held in joint tenancy as long as the applicable transmutation requirements are met. Nor does our decision alter the operation of the right of survivorship that is the main incident of joint tenancy title.

Majority Opinion by Liu, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Cuéllar, and Groban, JJ.
Concurring and Dissenting Opinion by Kruger, J.

S253227

A136451 First Appellate District, Div. 3

**PEOPLE v. ANDERSON
(VERNON)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand with instructions to remand the case to the trial court for resentencing.

Majority Opinion by Kruger, J.

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

S262075 B293417 Second Appellate District, Div. 1 **P.T. DAYUP INDO v. IMEX INDUSTRIES, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 9, 2020.

S262211 B292411 Second Appellate District, Div. 2 **PEOPLE v. THE NORTH RIVER INSURANCE CO.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 4, 2020.

S262270 B291387 Second Appellate District, Div. 5 **SAFARIAN (ROSE) v. GOVGASSIAN (HARRY)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 28, 2020.

S262405 G058062 Fourth Appellate District, Div. 3 **IN RE B.E.**

The time for granting or denying review in the above-entitled matter is hereby extended to August 26, 2020.

S262418 B291695 Second Appellate District, Div. 1 **PATEL (BALUBHAI) v. CHAVEZ (MANUEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 4, 2020.

S262537 D075932 Fourth Appellate District, Div. 1 **COLUCCI (STEPHEN) v. T-MOBILE USA, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 2, 2020.

S262551 B294024 Second Appellate District, Div. 5 **PEOPLE v. ESQUIVEL (RANDOLPH STEVEN)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 2, 2020.

S262577 B291341 Second Appellate District, Div. 1 **IN RE COUNTY INMATE
TELEPHONE SERVICE
CASES**

The time for granting or denying review in the above-entitled matter is hereby extended to September 3, 2020.

S262596 G059056 Fourth Appellate District, Div. 3 **NGUYEN (MICHAEL) ON
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 3, 2020.

S262604 F077426 Fifth Appellate District **PEOPLE v. DAVIS (IVAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 4, 2020.

S262626 B290013 Second Appellate District, Div. 6 **ALANIZ (JESUS) v. SUN
PACIFIC SHIPPERS, L.P.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 4, 2020.

S262628 H044587 Sixth Appellate District **POTT (LAWRENCE) v.
LAZARIN (MICHAEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 4, 2020.

S262665 B290236 Second Appellate District, Div. 8 **FORD (TEANNA) v. CITY OF
LOS ANGELES**

The time for granting or denying review in the above-entitled matter is hereby extended to September 8, 2020.

S262688 B294313 Second Appellate District, Div. 5 **STANDARD GENERAL, L.P.
v. CHARNEY (DOV)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 9, 2020.

S262699 B294872 Second Appellate District, Div. 8

**DUCKSWORTH (BONNIE) v.
TRI-MODAL DISTRIBUTION
SERVICES**

The time for granting or denying review in the above-entitled matter is hereby extended to September 9, 2020.

S262733 C091493 Third Appellate District

**SANCHEZ (DAVID) v. S.C.
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 10, 2020.

S142959

**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Donald Ray Young, it is ordered that the time to serve and file appellant's opening brief is extended to September 21, 2020.

S142959

**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Timothy Young, it is ordered that the time to serve and file appellant's opening brief is extended to September 21, 2020.

S170001

**PEOPLE v. WATTA
(BENJAMIN WAYNE)**

Extension of time granted

Based upon counsel Jonathan P. Milberg's representation that the appellant's reply brief is anticipated to be filed by October 1, 2020, an extension of time in which to serve and file that brief is granted to September 11, 2020. After that date, only one further extension totaling about 19 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).)

S208209**PEOPLE v. BURRIS
(NATHAN)**

Extension of time granted

Based upon Supervising Deputy State Public Defender Elias Batchelder's representation that the appellant's reply brief is anticipated to be filed by May 21, 2021, an extension of time in which to serve and file that brief is granted to September 18, 2020. After that date, only four further extensions totaling about 244 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).)

S211187**SOUZA (MATTHEW ARIC)
ON H.C.**

Extension of time granted

Based upon counsel Marylou Hillberg's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by December 15, 2020, an extension of time in which to serve and file that document is granted to September 15, 2020. After that date, only two further extensions totaling about 90 additional days are contemplated.

S212161**PEOPLE v. WALTERS
(MICHAEL J.)**

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 18, 2020.

S224393**PEOPLE v. HARTS (TYRONE
LEVOID)**

Extension of time granted

Based upon counsel Rudolph J. Alejo's representation that the appellant's opening 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 11, 2020. After that date, only one further extension totaling about 58 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).)

S233077**PEOPLE v. BROWN
(MICHAEL CHARLES)**

Extension of time granted

The application of appellant for relief from default for the failure to timely file appellant's application for extension of time is granted.

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to September 10, 2020.

S262761 A153661 First Appellate District, Div. 3**NELSON (EVAN C.) v.
TUCKER ELLIS, LLP**

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 July 31, 2020.

S212477**PEOPLE v. FRAZIER
(TRAVIS) & NOWLIN
(KENNETH LEE)**

Order filed

The order filed July 15, 2020, granting an extension of time in which to file appellant Frazier's opening brief is corrected nunc pro tunc as to the case title.