

**SUPREME COURT MINUTES
THURSDAY, JUNE 16, 2016
SAN FRANCISCO, CALIFORNIA**

S216444 B239519 Second Appellate District, Div. 1 **PEOPLE v. HUBBARD
(JEFFREY)**

Opinion filed: Judgment reversed

Public officers face criminal liability under section 424 when they misappropriate public funds and when their control over such funds amounts to being charged with the funds' "receipt, safekeeping, transfer, or disbursement." The statute does not make liability conditional on a public officer's possessing exclusive control over public funds, or unfettered discretion to decide on their disposition. Instead, it requires that the public officer have the sort of actual authority that confers some degree of material control over the funds' disposition. The evidence here supports the jury's conclusion that Hubbard had such control and was therefore "charged with the receipt, safekeeping, transfer, or disbursement of public moneys" - Hubbard owed a general and widely recognized duty to safeguard school district funds, his contract charged him with overseeing the "budget and business affairs" of the District, and he exercised his formal authority in explicitly directing his subordinates to make the payments at issue in this case on his behalf. As a result, we reverse the Court of Appeal's judgment and remand for further proceedings consistent with this opinion.

Majority Opinion by Cuéllar, J.

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

S228030 G051142 Fourth Appellate District, Div. 3 **PEOPLE v. MORALES
(JOSUE VARGAS)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand the matter to that court for further proceedings consistent with our opinion.

Majority Opinion by Chin, J.

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

S233550 B262247 Second Appellate District, Div. 5 **PEOPLE v. SMITH (ANDY
RICHARD)**

Petition for review denied

S235024 B259724 Second Appellate District, Div. 6**GOODRICH (KAREN E.) v.
SIERRA VISTA REGIONAL
MEDICAL CENTER**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to August 26, 2016.
(Cal. Rules of Court, rule 8.512(c).)

S093944**PEOPLE v. BERTSCH (JOHN
ANTHONY) & HRONIS
(JEFFERY LEE)**

Extension of time granted

Good cause appearing, and based upon counsel Mark E. Cutler's representation that Jeffery Lee Hronis's opening brief is anticipated to be filed by September 15, 2016, counsel's request for an extension of time in which to file that brief is granted to August 12, 2016. After that date, only one further extension totaling about 33 additional days will be granted.

S142694**WARD (CARMEN LEE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Stephanie A. Miyoshi's representation that the return to the order to show cause is anticipated to be filed by August 16, 2016, counsel's request for an extension of time in which to file that document is granted to August 16, 2016. After that date, no further extension is contemplated.

S142959**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Donald Young and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 17, 2016.

S142959**PEOPLE v. YOUNG
(DONALD RAY) & YOUNG
(TIMOTHY JAMES)**

Extension of time granted

On application of appellant Timothy Young and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 17, 2016.

S146939**PEOPLE v. CAPERS (LEE
SAMUEL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Peter R. Silten's representation that the appellant's reply brief is anticipated to be filed by February 16, 2017, counsel's request for an extension of time in which to file that brief is granted to August 16, 2016. After that date, only three further extensions totaling about 183 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).)

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 August 22, 2016. After that date, only three further extensions totaling about 182 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).)

S155160**PEOPLE v. RAMIREZ
(IRVING ALEXANDER)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Maria Morga's representation that the appellant's reply brief is anticipated to be filed by April 18, 2017, counsel's request for an extension of time in which to file that brief is granted to August 19, 2016. After that date, only four further extensions totaling about 241 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).)

S175720**PEOPLE v. MARTINEZ
(CARLOS)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Ronald A. Jakob's representation that the respondent's brief is anticipated to be filed by December 31, 2016, counsel's request for an extension of time in which to file that brief is granted to August 19, 2016. After that date, only three further extensions totaling about 136 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).)

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 August 19, 2016. After that date, only one further extension totaling about 12 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).)

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 August 16, 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 August 16, 2016.

S187726**PEOPLE v. ROTTIERS
(BROOKE MARIE)**

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 August 16, 2016.

S198378**PEOPLE v. RICHARDSON
(JASON RUSSELL)**

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 August 9, 2016.

S220961**BLOOM (ROBERT
MAURICE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Christina Sandidge's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by December 11, 2016, counsel's request for an extension of time in which to file that document is granted to August 15, 2016. After that date, only two further extensions totaling about 120 additional days will be granted.

S230239**JONES (JEFFREY GERARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael R. Snedeker's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by August 23, 2016, counsel's request for an extension of time in which to file that document is granted to August 23, 2016. After that date, no further extension is contemplated.

S230916**CHAMPION (STEVE ALLEN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defenders Michael Parente's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 21, 2016, counsel's request for an extension of time in which to file that document is granted to August 22, 2016. After that date, only one further extensions totaling about 60 additional days is contemplated.

S231260

B257357 Second Appellate District, Div. 6

**PEOPLE v. GALLARDO
(SULMA MARILYN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to July 15, 2016

S231826

E063107 Fourth Appellate District, Div. 2

**PEOPLE v. MARTINEZ
(MARIO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to July 22, 2016.

S232630**ANDERSON (CLYDE W.) 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 July 18, 2016.

S233544**DEHOYOS (RICHARD
LUCIO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Mark R. Drozdowski's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by August 19, 2016, counsel's request for an extension of time in which to file that document is granted to August 19, 2016. After that date, no further extension is contemplated.

S226721 B251196 Second Appellate District, Div. 1 **PEOPLE v. SEK (SAMNANG)**

Counsel appointment order filed

Upon request of appellant Terry My for appointment of counsel, Allison Ting is hereby appointed to represent appellant on the appeal now pending in this court.

S235146**RODRIGUEZ (PEDRO) v.
UNEMPLOYMENT
INSURANCE APPEALS
BOARD (EMPLOYMENT
DEVELOPMENT
DEPARTMENT)**

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.

Fourth Appellate District, Div. 3 **TRANSFER ORDERS**

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Three to Division One:

1. G050774 OCWD v. Mag Aerospace Industries et al.
2. G048954 OCWD v. Sabic Innovative Plastics US et al.