

**SUPREME COURT MINUTES
MONDAY, JUNE 26, 2017
SAN FRANCISCO, CALIFORNIA**

S232639 E062380 Fourth Appellate District, Div. 2 **PEOPLE v. S.C. (SAHLOLBEI)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand for proceedings consistent with this opinion. We disapprove *People v. Christiansen* (2013) 216 Cal.App.4th 1181 to the extent it is inconsistent with this opinion.

Majority Opinion by Liu, J.

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

S242751 A143440/A144041 First Appellate District, Div. 1 **CUEVAS (BRIAN) v. CONTRA COSTA COUNTY**

Order filed

The order filed on June 23, 2017, is amended to include the following Court of Appeal case numbers: A143440/A114041.

S242788 **RODRIGUEZ (PEDRO LUIS)
v. S.C. (PEOPLE)**

Transferred to Court of Appeal, First Appellate District

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

S240158 **DEUTCH ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RONI LYNN DEUTCH, State Bar Number 152429, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

RONI LYNN DEUTCH must make restitution to Deborah DeSpain in the amount of \$3,687 plus 10 percent interest per year from May 25, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

RONI LYNN DEUTCH 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.

S240193**JORGENSEN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that BARRY STEVEN JORGENSEN, State Bar Number 79620, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. BARRY STEVEN JORGENSEN is suspended from the practice of law for the first nine months of probation;
2. BARRY STEVEN JORGENSEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 13, 2016; and
3. At the expiration of the period of probation, if BARRY STEVEN JORGENSEN has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

BARRY STEVEN JORGENSEN 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. Failure to do so may result in disbarment or suspension.

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.

S240195**ARENS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that LAUREN M. ARENS, State Bar Number 261946, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

LAUREN M. ARENS 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.

S240197**BASCUE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAMES ALLEN BASCUE, State Bar Number 47433, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JAMES ALLEN BASCUE 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.

S240198**BLANCHARD ON
DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN ROGER BLANCHARD, State Bar Number 182233, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

- 1 JOHN ROGER BLANCHARD is suspended from the practice of law for the first 90 days of probation;
2. JOHN ROGER BLANCHARD 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 January 3, 2017; and
3. At the expiration of the period of probation, if JOHN ROGER BLANCHARD has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JOHN ROGER BLANCHARD 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).)

JOHN ROGER BLANCHARD 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. Failure to do so may result in disbarment or suspension.

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 2018, 2019, and 2020. If JOHN ROGER BLANCHARD 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.

S240200**HANCOCK ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID ALAN HANCOCK, State Bar Number 288134, 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. DAVID ALAN HANCOCK is suspended from the practice of law for the first 30 days of probation;
2. DAVID ALAN HANCOCK 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 January 3, 2017; and
3. At the expiration of the period of probation, if DAVID ALAN HANCOCK has complied

with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID ALAN HANCOCK 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.

S240202**HIERSEKORN ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID ALLEN HIERSEKORN, State Bar Number 237471, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID ALLEN HIERSEKORN must make restitution to the beneficiaries of the Patricia A. Davis Living Trust in the amount of \$210,834.30 plus 10 percent interest per year from May 23, 2013. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DAVID ALLEN HIERSEKORN 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.

S240203**JACOBVITZ ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that VICTOR JACOBVITZ, State Bar Number 66297, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

VICTOR JACOBVITZ 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.

S240380**ARNOLD ON DISCIPLINE**

Recommended discipline imposed

The court orders that TARA JANE ARNOLD, State Bar Number 172917, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and she is placed on probation for four years subject to the following conditions:

1. TARA JANE ARNOLD is suspended from the practice of law for a minimum of the first two years of probation, and she will remain suspended until she provides proof to the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. TARA JANE ARNOLD must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 18, 2017.
3. At the expiration of the period of probation, if TARA JANE ARNOLD has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

TARA JANE ARNOLD must also take and pass the Multistate Professional Responsibility Examination during the period of her suspension 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).)

TARA JANE ARNOLD 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. Failure to do so may result in disbarment or suspension.

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-half of the costs must be paid with her membership fees for each of the years 2018 and 2019. If TARA JANE ARNOLD 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.

S240381**GROSS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KENNETH L. GROSS, State Bar Number 52081, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KENNETH L. GROSS must make restitution to Tirza Geib in the amount of \$170,789 plus 10 percent interest per year from December 17, 2012. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

KENNETH L. GROSS 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.

S240382**HUFFMAN II ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RICHARD D. HUFFMAN II, State Bar Number 157740, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RICHARD D. HUFFMAN II 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.

S240383**HASAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that SHAMEEM HASAN, State Bar Number 223281, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. SHAMEEM HASAN is suspended from the practice of law for the first 90 days of probation;
2. SHAMEEM HASAN must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on January 26, 2017; and
3. At the expiration of the period of probation, if SHAMEEM HASAN has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

SHAMEEM HASAN 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).)

SHAMEEM HASAN 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. Failure to do so may result in disbarment or suspension.

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.

S240393**POOL ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RAY SHANNON POOL, State Bar Number 226188, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

RAY SHANNON POOL 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.

S240415**SMOLKIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ANATOLY SMOLKIN, State Bar Number 274388, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ANATOLY SMOLKIN 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.

S240417**PADILLA ON DISCIPLINE**

Recommended discipline imposed

The court orders that EUSEVIO PADILLA, State Bar Number 248748, 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 two years subject to the following conditions:

1. EUSEVIO PADILLA must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 12, 2017; and
2. At the expiration of the period of probation, if EUSEVIO PADILLA has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

EUSEVIO PADILLA 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 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.

S240452**ZORR ON DISCIPLINE**

Recommended discipline imposed

The court orders that BARBARA TRUMAN ZORR, State Bar Number 112693, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. BARBARA TRUMAN ZORR is suspended from the practice of law for the first 90 days of probation;
2. BARBARA TRUMAN ZORR 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 January 12, 2017; and
3. At the expiration of the period of probation, if BARBARA TRUMAN ZORR has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

BARBARA TRUMAN ZORR 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).)

BARBARA TRUMAN ZORR 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. Failure to do so may result in disbarment or suspension.

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.

S240542**MARTINEZ-AGAMENON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RALPH RICARDO MARTINEZ-AGAMENON, State Bar Number 235107, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RALPH RICARDO MARTINEZ-AGAMENON must make restitution to the following payees:

- (1) Graciela Franco in the amount of \$3,000 plus 10 percent interest per year from May 1, 2015;
- (2) Julio Hernandez in the amount of \$4,000 plus 10 percent interest per year from April 28, 2014;
- (3) Henry Mouchet in the amount of \$800 plus 10 percent interest per year from October 30, 2014; and
- (4) Ana Morales in the amount of \$900 plus 10 percent interest per year from February 28, 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).

RALPH RICARDO MARTINEZ-AGAMENON 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.

S240576**SCHWARZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that SIDNEY MICHEL ALAIN SCHWARZ, State Bar Number 98467, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. SIDNEY MICHEL ALAIN SCHWARZ is suspended from the practice of law for a minimum of the first two years of probation (with credit given for the period of interim suspension which commenced on June 20, 2016), and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. SIDNEY MICHEL ALAIN SCHWARZ must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 18, 2017.
3. At the expiration of the period of probation, if SIDNEY MICHEL ALAIN SCHWARZ has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

SIDNEY MICHEL ALAIN SCHWARZ must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension 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).)

SIDNEY MICHEL ALAIN SCHWARZ 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. Failure to do so may result in disbarment or suspension.

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 2018, 2019, and 2020. If SIDNEY MICHEL ALAIN SCHWARZ 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.

S240590**McVAY ON DISCIPLINE**

Recommended discipline imposed

The court orders that DONALD WILLIAM McVAY, State Bar Number 103882, 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. DONALD WILLIAM McVAY must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 27, 2017; and
2. At the expiration of the period of probation, if DONALD WILLIAM McVAY has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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 2018, 2019, and 2020. If DONALD WILLIAM McVAY 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.

S241089**DONAHUE ON DISCIPLINE**

Recommended discipline imposed

The court orders that CARI DONAHUE, State Bar Number 273436, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. CARI DONAHUE is suspended from the practice of law for a minimum of the first year of probation, and she will remain suspended until the following conditions are satisfied:
 - i. She makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Bruce Alto in the amount of \$500 plus 10 percent interest per year from February 1, 2014; and
 - (2) Sophia Ludyjan-Woods in the amount of \$3,000 plus 10 percent interest per year from May 14, 2014.
 - ii. She pays \$11,920 in sanctions to Victoria Gaspar De Alpizar as ordered on November 10, 2014, by the United States Bankruptcy Court, Southern District of California in case No. 11-15354-PB13 and furnishes proof to the State Bar's Office of Probation in Los Angeles.
 - iii. She pays \$2,486 in sanctions to Pacifica L 52, LLC dba Pacifica Reat 2031-1 as ordered on May 29, 2015, by the Los Angeles County Superior Court in case No. VC064407 and furnishes proof to the State Bar's Office of Probation in Los Angeles.
 - iv. She provides proof to the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. CARI DONAHUE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on February 7, 2017.
3. At the expiration of the period of probation, if CARI DONAHUE has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

CARI DONAHUE 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. Failure to do so may result in disbarment or suspension. 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.

S241500**McCURDY II ON
RESIGNATION****Resignation declined**

This court, having considered the request, declines to accept the voluntary resignation with charges pending of JOHN DARWIN McCURDY II, State Bar Number 54091, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) JOHN DARWIN McCURDY II remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move the State Bar Court to be restored to active status, at which time the Office of the Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by JOHN DARWIN McCURDY II to be restored to active status. Any return to active status will be conditioned on JOHN DARWIN McCURDY II's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.