

**SUPREME COURT MINUTES
MONDAY, MARCH 6, 2017
SAN FRANCISCO, CALIFORNIA**

S230510 G049773 Fourth Appellate District, Div. 3 **M. (J.) v. HUNTINGTON
BEACH UNION HIGH
SCHOOL DISTRICT**

Opinion filed: Judgment affirmed in full

The Court of Appeal's judgment is affirmed.

Majority Opinion by Corrigan, J.

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

Concurring Opinion by Liu, J.

-- joined by Cuéllar and Kruger, JJ.

S227106 B259392 Second Appellate District, Div. 3 **AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
SOUTHERN CALIFORNIA v.
S.C. (CITY OF LOS
ANGELES)**

Supplemental briefing ordered

The court requests that the parties serve and file supplemental letter briefs addressing the following question: Whether the catchall exemption of Government Code section 6255, subdivision (a) applies to any or all of the automatic license plate reader (ALPR) data collected by real parties during the one-week period in August, 2012, that is the subject of this court's review under the California Public Records Act. (Gov. Code, § 6250, et seq.)

Amici curiae that have filed briefs in this matter may also file supplemental briefs addressing the above question if they choose.

All initial briefs addressing the above question must be served and filed simultaneously on or before April 3, 2017. Any reply to the supplemental briefs must be served and filed on or before April 17, 2017.

The parties may explicitly rely on their briefing in the Court of Appeal to the extent it addresses the above question.

No extensions will be granted.

S240419 F065288 Fifth Appellate District**PEOPLE v. ENRIQUEZ
(RAMIRO)**

Order filed: case held pending decision in another case

The order filed on March 3, 2017, in cause S224724, is hereby amended to read, in its entirety: The matters of *People v. Enriquez* (F065288), *People v. Gutierrez* (F065984), and *People v. Ramos* (F065481) were consolidated in the Fifth District Court of Appeal and were a single cause denominated *People v. Enriquez*, S224724, on review in this court. All three appellants filed separate briefs, and all joined in the others' arguments. Oral argument in this consolidated matter is set for March 7, 2017.

On March 2, the Office of the State Public Defender, which filed a brief as amicus curiae in this cause, informed the court that Ms. Janet Gray, counsel for Enriquez, suffered an injury that will interfere with her ability to present oral argument as scheduled. The court transmitted a letter inquiry to all counsel asking counsel to inform the court who would present oral argument on behalf of appellants and to address any other matter relevant to the oral argument in this matter. Attached to this letter was the February 15th focus letter sent by the court to counsel, which identified three specific prospective jurors counsel should be prepared to discuss at argument. Those same three prospective jurors were the focus of briefing by Gutierrez.

On the morning of March 3, in response to the court's letter inquiry, Mr. Scott Concklin, counsel for Gutierrez, e-mailed a letter to the court in which he conveyed that he was willing to argue on behalf of all three appellants on March 7 and would begin preparation immediately. Ms. Gray e-mailed the court the afternoon of March 3 to request a continuance of oral argument in this matter. The matter of *People v. Enriquez* (F065288) is severed and redocketed as S240419. The other two matters - *People v. Gutierrez* (F065984) and *People v. Ramos* (F065481) - will proceed as *People v. Gutierrez*, S224724. The court defers further action in *People v. Enriquez*, S240419, pending consideration and disposition of related issues in *People v. Gutierrez*, S224724, or pending further order of the court. (Cal. Rules of Court, rule 8.512(d)(2).) *People v. Gutierrez*, S224724, remains on the court's calendar for oral argument on March 7, 2017.

S228642 E061754 Fourth Appellate District, Div. 2 **PEOPLE v. S.C. (MORALES)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to May 17, 2017, or the date upon which rehearing is either granted or denied, whichever occurs first.

S240340 A147220 First Appellate District, Div. 3 **IN RE CARL H.**

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 May 23, 2017. (Cal. Rules of Court, rule 8.512(c).)

S104665**PEOPLE v. POORE
(CHRISTOPHER ERIC)**

Extension of time granted

Good cause appearing, and based upon counsel R. Clayton Seaman, Jr.'s representation that the appellant's opening brief is anticipated to be filed by September 1, 2017, counsel's request for an extension of time in which to file that brief is granted to May 4, 2017. After that date, only two further extensions totaling about 118 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).)

S137307**PEOPLE v. MORALES
(JOHNNY)**

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 May 8, 2017.

S161909**PEOPLE v. SHOVE III
(THEODORE CHURCHILL)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Blythe J. Leszkay's representation that the respondent's brief is anticipated to be filed by July 3, 2017, counsel's request for an extension of time in which to file that brief is granted to May 5, 2017. After that date, only one further extension totaling about 59 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).)

S174709**PEOPLE v. SARINANA
(CATHY LYNN) &
SARINANA (RAUL
RICARDO)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Anne W. Lackey's representation that the appellant Cathy Lynn Sariñana's opening brief is anticipated to be filed by September 25, 2017, counsel's request for an extension of time in which to file that brief is granted to May 3, 2017. After that date, only three further extensions totaling about 145 additional days will be granted.

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).)

S186271**PEOPLE v. JOHNSON (MILA)**

Extension of time granted

Good cause appearing, and based upon counsel Mark D. Greenberg's representation that the appellant's opening brief is anticipated to be filed by January 10, 2018, counsel's request for an extension of time in which to file that brief is granted to April 28, 2017. After that date, only five further extensions totaling about 256 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).)

S199741**PEOPLE v. WILLIAMS
(MANLING TSANG)**

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 May 8, 2017.

S207945**PEOPLE v. CANALES
(OSMAN ALEX)**

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 May 1, 2017.

S221519**CÁSARES (JOSÉ) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Fred Renfro's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 27, 2017, counsel's request for an extension of time in which to file that document is granted to May 8, 2017. After that date, only one further extension totaling about 51 additional days is contemplated.

S222718**SMITH (DONALD
FRANKLIN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General William N. Frank's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 8, 2017, counsel's request for an extension of time in which to file that document is granted to May 8, 2017. After that date, no further extension is contemplated.

S232115**WHALEN (DANIEL LEE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Assistant Federal Defender Jennifer Mann's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 6, 2017, counsel's request for an extension of time in which to file that document is granted to May 8, 2017. After that date, no further extension is contemplated.

S234377

B255375 Second Appellate District, Div. 4

**PEOPLE v. GONZALEZ
(JORGE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to April 3, 2017.

No further extensions will be granted.

S234954**CARRASCO (ROBERT) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Toni R. Johns Estaville's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 8, 2017, counsel's request for an extension of time in which to file that document is granted to May 8, 2017. After that date, no further extension is contemplated.

S238731**ROMERO (JASON) 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 April 10, 2017.

S239278**TITUS (MARVIN DOUGLAS)
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 April 1, 2017.

S240183

F069608 Fifth Appellate District

**HAMILTON (PAUL C.) v.
YATES (JAMES)**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to March 21, 2017.

S238401 H041900 Sixth Appellate District**PEOPLE v. GUERRERO
(RAUL OSUNA)**

Counsel appointment order filed

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

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S238627 C078537 Third Appellate District**PEOPLE v. LOPEZ (MARIA
ELENA)**

Counsel appointment order filed

Upon request of respondent for appointment of counsel, Solomon R. Wollack is hereby appointed to represent respondent on the appeal now pending in this court.

Respondent's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S238708 B264891 Second Appellate District, Div. 3**PEOPLE v. RODDY
(MICHAEL RICHARD)**

Counsel appointment order filed

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

S239006**PEOPLE v. WALLACE
(JAMES FLOYD)**

Counsel appointment order filed

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

S239749 A146470 First Appellate District, Div. 1**PEOPLE v. VALLEJOS
(MATTHEW)**

Counsel appointment order filed

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

S224724 F065481/F065984 Fifth Appellate District**PEOPLE v. GUTIERREZ, JR.,
(RENE)**

Order filed

The order filed on March 3, 2017, in cause S224724, is hereby amended to read, in its entirety: The matters of *People v. Enriquez* (F065288), *People v. Gutierrez* (F065984), and *People v.*

Ramos (F065481) were consolidated in the Fifth District Court of Appeal and were a single cause denominated *People v. Enriquez*, S224724, on review in this court. All three appellants filed separate briefs, and all joined in the others' arguments. Oral argument in this consolidated matter is set for March 7, 2017.

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S224724

**PEOPLE v. GUTIERREZ, JR.,
(RENE)**

Order filed

The request of appellant to allocate to amicus curiae Office of the State Public Defender 10 minutes of appellant's 30-minute allotted time for oral argument is granted.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,301)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 7 and 8, 2017**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 7 and 8, 2017.

TUESDAY, MARCH 7, 2017 — 10:00 A.M.

- (1) People v. Gonzalez (Mario Alberto), S223763
- (2) Wheatherford (Cherrity) v. City of San Rafael et al., S219567

1:30 P.M.

- (3) People v. Gutierrez (Rene), and Consolidated Case, S224724 (Formerly listed as People v. Enriquez (Ramiro), which is now S240419, and will be deferred pending consideration and disposition of related issues in Gutierrez and Ramos or pending further order of the court.)
- (4) People v. Martinez (Dennis Terry), S219970
- (5) People v. Parker (Gerald) [Automatic Appeal], S076169

WEDNESDAY, MARCH 8, 2017 — 9:00 A.M.

- (6) Williams & Fickett v. County of Fresno, S224476
- (7) Leider (Aaron) v. Lewis (John) et al., S232622
- (8) Dhillon (Jatinder) v. John Muir Health et al., S224472

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)