

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 26, 2014
SAN FRANCISCO, CALIFORNIA**

S215914 H039330 Sixth Appellate District

**PEOPLE v. MORAN
(JEFFREY MICHAEL)**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S216351

**GREATER LOS ANGELES
AGENCY ON DEAFNESS,
INC. v. CABLE NEWS
NETWORK, INC.**

Request for certification granted

The court grants the request, made pursuant to California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit.

For the purposes of briefing and oral argument, appellant Cable News Network, Inc., is deemed the petitioner in this court. (Cal. Rules of Court, rule 8.520(a)(6).)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S216139 B242447 Second Appellate District, Div. 6

**PEOPLE v. MARTIN
(MARLIN V.)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *In re Alatraste*, S214652 and *In re Bonilla*, S214960 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S216445 H037246 Sixth Appellate District**PEOPLE v. MILLER (TODD RUSSELL)**

Petition for review granted; transferred to Court of Appeal, Sixth Appellate District

The court having been advised that defendant Todd Russell Miller died on January 20, 2014, the petition for review is granted and the cause is transferred to the Court of Appeal, Sixth Appellate District, with directions to enter an order in Case No. H037246 permanently abating all proceedings with respect to defendant upon verification of the death and to require the Superior Court for Santa Clara County to enter an order to that effect in Case No. C1081125. (Cal. Rules of Court, rule 8.528(d); *People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S205057 D059794 Fourth Appellate District, Div. 1**BATIE (JOHN L.) ON H.C.**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division One

In light of the decision in *In re Lira* (2014) 58 Cal.4th 573, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S215000 C071822 Third Appellate District**MARAL (JAMES) v. CITY OF LIVE OAK**

Petition for review & depublication request(s) denied

The request for judicial notice is granted.

Kennard, Werdegarr, and Liu, JJ., are of the opinion the petition should be granted.

S215732 F065184 Fifth Appellate District**PEOPLE v. AGUILAR (MANUEL ESTRADA)**

Petition for review denied

S215749 E054638 Fourth Appellate District, Div. 2**PEOPLE v. WICKHAM (GARY)**

Petition for review denied

S215846 E055776 Fourth Appellate District, Div. 2**PEOPLE v. GARRETT (DARIN LEDALE)**

Petition for review denied

S215873 A135518 First Appellate District, Div. 5

Petition for review denied

PEOPLE v. JONES (DANIEL PAUL)

S215886 B243701 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. BERNAL (MIGUEL A.)

S215910 B242025 Second Appellate District, Div. 8

Petition for review & publication request(s) denied

WYNER (STEVEN) v. PORTER (JOHN)

S215913 D062831 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. BERNAL (FERNANDO)

S215915

Petition for review denied

PEOPLE v. TABNAK (ANDRE)

S215919 F068548 Fifth Appellate District

Petition for review denied

HANCE (JOHN) v. S.C. (SUPER STORE INDUSTRIES)

S215923 H038895 Sixth Appellate District

Petition for review denied

PEOPLE v. PEREZ (FATIMA YOLANDA)

S215938 F063995 Fifth Appellate District

Petition for review denied

ALVAREZ (MANUEL) ON H.C.

S215940 B243826 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. CRUZ (OLMAN ROMERO)

S215950 E054590 Fourth Appellate District, Div. 2

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Conley*, S211275.

PEOPLE v. JAMES (SHEON LORENZO)

S215958 B252058 Second Appellate District, Div. 1

Petition for review denied

**ATLAS TRANSFER &
STORAGE COMPANY, INC.
v. WORKERS'
COMPENSATION APPEALS
BOARD & ALLEN (FRANK)**

S215964 D060746 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JERNIGAN
(MARC EXTER)**

S215967 E060092 Fourth Appellate District, Div. 2

Petition for review denied

**JOHNSON, JR., (MICHAEL)
v. S.C. (PEOPLE)**

S215983 H037910 Sixth Appellate District

Petition for review denied

Baxter and Werdegarr, JJ., are of the opinion the petition should be granted.

PEOPLE v. BATES (MARCUS TAYLOR)

S215994 G046634 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CARNEY
(CHRISTIAN WILLIAM)**

S216002 F064865 Fifth Appellate District

Petition for review denied

**PEOPLE v. SINGH
(GURMUKH)**

S216011 E057148 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. LEOS
(ALEXANDER)**

S216018 E057107 Fourth Appellate District, Div. 2

Petition for review denied

IN RE J.Z.

S216019 A134480 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. LEWIS
(MARCELLOUS)**

S216029 A137754 First Appellate District, Div. 5

Petition for review denied

**PALAGIN (IGOR) v.
PANIAGUA
CONSTRUCTION, INC.**

S216045 E057454 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ESTRADA
(MATTHEW JOEL)**

S216050 F064844 Fifth Appellate District

Petition for review denied

**PEOPLE v. KITCHENS
(LANARD LAMAR)**

S216070 B253285 Second Appellate District, Div. 8

Petition for review denied

BUCKNER (JERRY) ON H.C.

S216089

Petition for writ of mandate/prohibition denied

**JAMESON (BARRY S.) v.
COURT OF APPEAL,
FOURTH APPELLATE
DISTRICT, DIVISION ONE
(DESTA)**

S216120 A133373 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SHELDON
(OSKAR W.)**

S216124 B248923 Second Appellate District, Div. 1

Petition for review denied

FRY (JACK) v. S.C.

S216147 B245043 Second Appellate District, Div. 3

Petition for review denied

**PELZ (CARLOS) v.
VILLEDA-WEAVER
(FRANKO)**

S216151 B248397 Second Appellate District, Div. 1

Petition for review denied

L. (JOSHUA) ON H.C.

S216196

Petition for review denied

**PEOPLE v. FLEMINGS
(KEVIN TYRONE)**

S216238 G047519 Fourth Appellate District, Div. 3

Petition for review denied

**GROSSMAN (MARC A.) v.
PACIFIC LIFE INSURANCE
COMPANY**

S216243 B244677 Second Appellate District, Div. 2

Petition for review denied

**GREENBERG (LARRY) v.
SILVER (GERALD N.)**

S216254 B245583 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. GUZMAN
(GERRALDO)**

S216324 F064839 Fifth Appellate District

Petition for review denied

**PEOPLE v. RICHSON (SEAN
JEFFREY)**

S216325 F064905 Fifth Appellate District

Petition for review denied

**PEOPLE v. FRANKLIN
(TYRELL LOVELL)**

S216329 E057199 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. STEWART (CHAD
ELLIOT)**

S216383 B244630 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. GARIBAY
(VICTOR MANUEL)**

S216427 A139602 First Appellate District, Div. 1

Petition for review denied

**H. (D) v. S.C. (SAN MATEO
COUNTY HUMAN SERVICES
AGENCY)**

S216461 B245686 Second Appellate District, Div. 1

Petition for review denied

IN RE JOSHUA L.

S216475 A135787 First Appellate District, Div. 2

Petition for review & publication request(s) denied

**WANG (MARY) &
CUNNINGHAM
(ARCHIBALD), MARRIAGE
OF**

S216493 F064733/F064786 Fifth Appellate District

Petitions for review denied

**PEOPLE v. ANDERSON
(AMBER VIRGINIA)**

S216496 E060398 Fourth Appellate District, Div. 2

Petition for review denied

**MUNOZ (RAMON
EDUARDO) ON H.C.**

S216512 D063028 Fourth Appellate District, Div. 1 **YASHAR (FARIBORZ) v.**
BARNES (WILLIAM)

Petition for review denied

S216529 F064819 Fifth Appellate District **PEOPLE v. PARNELL**
(HEATH DERRICK)

Petition for review denied

S216535 B242130 Second Appellate District, Div. 8 **PEOPLE v. CANISTER**
(ELIJAH)

Petition for review denied

S216536 B244564 Second Appellate District, Div. 2 **PEOPLE v. SHERMAN**
(TERAL)

Petition for review denied

S216539 B244941 Second Appellate District, Div. 6 **PEOPLE v. JOHNSON**
(MATTIE)

Petition for review denied

S216548 B246488 Second Appellate District, Div. 2 **PEOPLE v. MARTINEZ**
(EDWARD JACK)

Petition for review denied

S216550 E058322 Fourth Appellate District, Div. 2 **IN RE M.J.**
Petition for review denied

S216552 F068771 Fifth Appellate District **PAGE (SAMMY L.) v. S.C.**
(CALIFORNIA
DEPARTMENT OF
CORRECTIONS &
REHABILITATION)

Petition for review denied

The request for judicial notice is granted.

S216554 B244063 Second Appellate District, Div. 5

**PEOPLE v. BAUTISTA
(ERICK)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *In re Alatraste*, S214652, and *In re Bonilla*, S214960.

S216558 G047463 Fourth Appellate District, Div. 3

**PEOPLE v. PEREZ (OSCAR
D. PEREZ)**

Petition for review denied

S216563 H037487 Sixth Appellate District

**PEOPLE v. CARRILLO
(TIMOTHY RALPH)**

Petition for review denied

S216565 B253858 Second Appellate District, Div. 3

**BRALEY (THOMAS D.) v. S.C.
(PEOPLE)**

Petition for review denied

S216569 H039159 Sixth Appellate District

**PEOPLE v.
ALVAREZMENDOZA
(JUAN CARLOS)**

Petition for review denied

S216579 B240443 Second Appellate District, Div. 2

**CANNON (SHARON) v.
BETTINGER (JOHN S.)**

Petition for review denied

S216581 A137180 First Appellate District, Div. 3

**PEOPLE v. GATISON
(KENNETH)**

Petition for review denied

S216593 D063517 Fourth Appellate District, Div. 1

PEOPLE v. ISMAIL (AHMOD)

Petition for review denied

S216600 B254095 Second Appellate District, Div. 2 **PADILLA (SAMUEL) ON H.C.**
The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Alatraste*, S214652, and *In re Bonilla*, S214960.

S216607 **JONES (JASON EARL) v.**
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT (PEOPLE)

Petition for writ of mandate/prohibition denied

S216618 E055220 Fourth Appellate District, Div. 2 **PEOPLE v. DESALES**
(DANIEL)

Petition for review denied

S216621 D063575 Fourth Appellate District, Div. 1 **PEOPLE v. MACADORY**
(MIKHAEL ANDREW)

Petition for review denied

S216627 B246991 Second Appellate District, Div. 2 **FRYE (STEVE) v. VH**
PROPERTY CORP.

Petition for review denied

S216630 D062783 Fourth Appellate District, Div. 1 **PEOPLE v. HARRIS (CHRIS)**
Petition for review denied

S216631 G048385 Fourth Appellate District, Div. 3 **IN RE A.E.**
Petition for review denied

S216654 D062803 Fourth Appellate District, Div. 1 **PEOPLE v. LEDON**
(HORACIO)

Petition for review denied

S216661 E056371 Fourth Appellate District, Div. 2 **PEOPLE v. WAHID (SAMIR**
MUSTAPHA)

Petition for review denied

S216765**ROBINSON (ANTHONY L.) v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION (GIPSON)**

Petition for writ of mandate/prohibition denied

S216945

D065415 Fourth Appellate District, Div. 1

**WELCH (MELANIE) v.
UNIVERSITY OF SAN DIEGO**

Petition for review & application for stay denied

S209786**McCANTS (ANTHONY L.) ON
H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Alatraste*, S214652 and *In re Bonilla*, S214960.

S213267**GONZALES (CARLOS
ROSARIO) ON H.C.**

Petition for writ of habeas corpus denied

S213841**NIPIOSSIAN (HARTUNE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S214002**SUON (KAMSOTH) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Alatraste*, S214652 and *In re Bonilla*, S214960.

S214180**RAMIREZ (LUIS) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Alatraste*, S214652 and *In re Bonilla*, S214960.

S214741**SANCHEZ (ISRAEL
JAMMIR) ON H.C.**

Petition for writ of habeas corpus denied

S215089

Petition for writ of habeas corpus denied

TAYLOR (SAMUEL) ON H.C.**S215099**

Petition for writ of habeas corpus denied

GALLARDO (CARLOS L.) ON H.C.**S215152**

Petition for writ of habeas corpus denied

VUE (CHUE) ON H.C.**S215505**

Petition for writ of habeas corpus denied

OLIVAREZ (JOSE GUMERCINDO) ON H.C.**S215543**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

HENDERSON (MARCUS LEE) ON H.C.**S215562**

Petition for writ of habeas corpus denied

MARIA (GRAY) ON H.C.**S215646**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

SIERRA (DENNIS JAMES) ON H.C.**S215716**

Petition for writ of habeas corpus denied

HAMILTON (DAVID) ON H.C.**S215717**

Petition for writ of habeas corpus denied

GRAVES (ALEX DEMETRIUS) ON H.C.

S215769**KAMBON (THEON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 797-798.)

S215866**RODRIGUEZ (RAUL) ON H.C.**

Petition for writ of habeas corpus denied

S215894**MEDRANO (JOSE) ON H.C.**

Petition for writ of habeas corpus denied

S215899**MOSCOE (MATTHEW) ON H.C.**

Petition for writ of habeas corpus denied

S215903**MILLINER (STACEY) ON H.C.**

Petition for writ of habeas corpus denied

S215904**CLAIBORNE (DENNIS GERALD) ON H.C.**

Petition for writ of habeas corpus denied

S215905**SALAS (RAFAEL) ON H.C.**

Petition for writ of habeas corpus denied

S215921**PEREZ (ARTHUR) ON H.C.**

Petition for writ of habeas corpus denied

S215933**THOMAS (JOSH) ON H.C.**

Petition for writ of habeas corpus denied

S215935**FORBS (DEROLLY) ON H.C.**

Petition for writ of habeas corpus denied

S215937

Petition for writ of habeas corpus denied

SOTO (SANTIAGO) ON H.C.**S215986**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

RAMIREZ (EDWARD) ON H.C.**S215987**

Petition for writ of habeas corpus denied

WALLACE II (ALPHONSO L.) ON H.C.**S215988**

Petition for writ of habeas corpus denied

PAZ (FREDDY) ON H.C.**S215989**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

HUBBARD (JASEN DEON) ON H.C.**S215996**

Petition for writ of habeas corpus denied

PAYNE (STEVIE RODNEY) ON H.C.**S216010**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

FRAIRE (JOBY) ON H.C.**S216014**

Petition for writ of habeas corpus denied

CANO (CARLOS) ON H.C.**S216016**

Petition for writ of habeas corpus denied

THOMPSON II (RUDOLPH V.) ON H.C.

S216017**SMITH (MICAHA ANTHONY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S216020**WILLIAMS (JEREMIAH) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S216022**CARVAJAL (JOSE A.) ON
H.C.**

Petition for writ of habeas corpus denied

S216023**RAMEY (JOHNNY) ON H.C.**

Petition for writ of habeas corpus denied

S216026**SMITH (NIKO DAV'ON) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S216028**CHEN (WILSON J.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S216058**AVILES (LUIS CIPRIAN) ON
H.C.**

Petition for writ of habeas corpus denied

S216059**WILSON (KEVIN L.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S216061**REYES (CECIL) ON H.C.**

Petition for writ of habeas corpus denied

S216071**HIDALGO (JOSE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S216076**BURTON (BERNARD
TURON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S216081**FRANCISCO (TITUS
ADRIAN) ON H.C.**

Petition for writ of habeas corpus denied

S216082**BROWN (EDWARD) ON H.C.**

Petition for writ of habeas corpus denied

S216292**SPEARS (BRIAN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S216357**SHOEMAKER, JR., (STEVEN
MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

S216479**MARTINEZ (GREGORIO) ON
H.C.**

Petition for writ of habeas corpus denied

S216525**SINGH (VINESH KUMAR)
ON H.C.**

Petition for writ of habeas corpus denied

S216567**MORDAUNT (THERESA
CAMILLE) ON H.C.**

Petition for writ of habeas corpus denied

S216604**VELEZ (LUIS ALBERTO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S216800**HOPKINS (TROY) ON H.C.**

Petition for writ of habeas corpus denied

S216272 B234542/B234670 Second Appellate District, Div. 3 **JOHNSON (DAVID) v.
CALIFORNIA PIZZA
KITCHEN, INC.**

Publication request denied (case closed)

S093235**PEOPLE v. JOHNSON
(JERROLD ELWIN)**

Extension of time granted

Good cause appearing, and based upon counsel William D. Farber's representation that the appellant's reply brief is anticipated to be filed by September 1, 2014, counsel's request for an extension of time in which to file that brief is granted to May 27, 2014. After that date, only two further extensions totaling 97 additional days will be granted.

S151493**PEOPLE v. CARDENAS
(REFUGIO RUBEN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Karen Hamilton's representation that the appellant's opening brief is anticipated to be filed by March 21, 2015, counsel's request for an extension of time in which to file that brief is granted to May 23, 2014. After that date, only five further extensions totaling 298 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).)

S206963**CRUZ (GERALD DEAN) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Kathleen M. Scheidel's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by April 1, 2015, counsel's request for an extension of time in which to file that document is granted to May 22, 2014. After that date, only seven further extensions totaling 313 additional days will be granted.

S032509**PEOPLE v. CHATMAN (ERIK
SANFORD)**

Application to appear as counsel pro hac vice granted

Good cause appearing, the application to appear as nonappointed lead counsel pro hac vice, and the application to appear as nonappointed associate counsel pro hac vice, each on behalf of condemned inmate Eric Sanford Chatman (see *People v. Chatman* (2006) 38 Cal.4th 344 [S032509]), filed March 19, 2014, are hereby granted.

Pursuant to rule 9.40 of the California Rules of Court, it is ordered that Assistant Federal Defender Bruce D. Livingston and Supervising Federal Defender Teresa A. Hampton, both of the Federal Defender Services of Idaho, may appear respectively in this court as nonappointed lead and associate counsel pro hac vice for postaffirmance capital-related habeas corpus writ proceedings on behalf of condemned inmate Eric Sanford Chatman, conditioned upon their appearance with California State Bar member Andrew H. Parnes as an additional nonappointed associate counsel.

S153881**PEOPLE v. RIVERA
(CUITLAHUAC TAHUA)**

Order filed

The order filed in the above matter on March 25, 2014, is amended to read as follows:

Good cause appearing, and based upon counsel Stephen M. Lathrop's representation that the appellant's opening brief is anticipated to be filed by March 2, 2015, counsel's request for an extension of time in which to file that brief is granted to May 23, 2014. After that date, only five further extensions totaling about 283 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).)

S216823**STEVENSON (JAMES
OLIVER) v. DEPARTMENT
OF CORRECTIONS &
REHABILITATION (BROWN,
JR.)**

Transferred to Court of Appeal, First Appellate District

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

S215966**ATWATER III ON
DISCIPLINE**

Recommended discipline imposed

The court orders that BRUCE HALL ATWATER III State Bar Number 199011, 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. BRUCE HALL ATWATER III is suspended from the practice of law for the first 60 days of probation;
2. BRUCE HALL ATWATER III 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 November 25, 2013; and
3. At the expiration of the period of probation, if BRUCE HALL ATWATER III has complied with all conditions of probation, the two-years period of stayed suspension will be satisfied and that suspension will be terminated.

BRUCE HALL ATWATER III 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. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If BRUCE HALL ATWATER III 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.

S215969**BROCK ON DISCIPLINE**

Recommended discipline imposed

The court orders that KENNETH BRYAN BROCK, State Bar Number 158311, 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. KENNETH BRYAN BROCK is suspended from the practice of law for the first 90 days of probation;
2. KENNETH BRYAN BROCK 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 December 6, 2013; and

3. At the expiration of the period of probation, if KENNETH BRYAN BROCK has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KENNETH BRYAN BROCK 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).)

KENNETH BRYAN BROCK 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 2015, 2016, and 2017. If KENNETH BRYAN BROCK 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.

S215977

BROWN ON DISCIPLINE

Recommended discipline imposed

The court orders that GORDON DEAN BROWN, State Bar Number 171745, 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. GORDON DEAN BROWN is suspended from the practice of law for the first 60 days of probation;
2. GORDON DEAN BROWN 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 December 13, 2013; and
3. At the expiration of the period of probation, if GORDON DEAN BROWN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

GORDON DEAN BROWN 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.

S215978**De CLUE ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOSEPH LYNN De CLUE, State Bar Number 163954 , 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. JOSEPH LYNN De CLUE must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 17, 2013; and
2. At the expiration of the period of probation, if JOSEPH LYNN De CLUE has complied with the terms of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOSEPH LYNN De CLUE 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. One-half of the costs must be paid with his membership fees for each of the years 2015 and 2016. If JOSEPH LYNN De CLUE 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.

S215979**EVANS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STANLEY LEWIS EVANS, State Bar Number 119091, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STANLEY LEWIS EVANS must make restitution to the following payees:

- (1) Lloyd Humes in the amount of \$3,010 plus 10 percent interest per year from April 7, 2005; and
- (2) Roberto Gomez in the amount of \$15,024 plus 10 percent interest per year from December 31, 2005.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

STANLEY LEWIS EVANS 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.

S215980**FLEETWOOD ON
DISCIPLINE**

Recommended discipline imposed

The court orders that GLEN STEVEN FLEETWOOD, State Bar Number 113429, 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. GLEN STEVEN FLEETWOOD is suspended from the practice of law for the first 90 days of probation;
2. GLEN STEVEN FLEETWOOD must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 15, 2013; and
3. At the expiration of the period of probation, if GLEN STEVEN FLEETWOOD has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

GLEN STEVEN FLEETWOOD 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).)

GLEN STEVEN FLEETWOOD 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.

S215981**LYON ON DISCIPLINE**

Recommended discipline imposed

The court orders that SCOTT GARRETT LYON, State Bar Number 199800, 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. SCOTT GARRETT LYON is suspended from the practice of law for the first 60 days of probation;
2. SCOTT GARRETT LYON 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 November 26, 2013; and
3. At the expiration of the period of probation, if SCOTT GARRETT LYON has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

SCOTT GARRETT LYON 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. One-half of the costs must be paid with his membership fees for each of the years 2015 and 2016. If SCOTT GARRETT LYON 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.

S216032**McMAHON ON DISCIPLINE**

Recommended discipline imposed

The court orders that BRIAN D. McMAHON, State Bar Number 147662, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. BRIAN D. McMAHON is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. BRIAN D. McMAHON must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 24, 2013.
3. At the expiration of the period of probation, if BRIAN D. McMAHON has complied with all conditions of probation, the four-year period of stayed suspension will be satisfied and that suspension will be terminated.

BRIAN D. McMAHON 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).)

BRIAN D. McMAHON 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.

S216034**MILLER ON DISCIPLINE**

Recommended discipline imposed

The court orders that RAYMOND ROY MILLER, State Bar Number 144398, 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. RAYMOND ROY MILLER must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 19, 2013; and
2. At the expiration of the period of probation, if RAYMOND ROY MILLER has complied with the terms of probation, the two-year 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.

S216035**MORRIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES GREGORY MORRIS, State Bar Number 110955, 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. JAMES GREGORY MORRIS is suspended from the practice of law for the first year of probation;
2. JAMES GREGORY MORRIS must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on December 4, 2013; and
3. At the expiration of the period of probation, if JAMES GREGORY MORRIS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAMES GREGORY MORRIS 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).)

JAMES GREGORY MORRIS 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.

S216041**NAPLES ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID LAURENCE NAPLES, State Bar Number 233928, 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. DAVID LAURENCE NAPLES is suspended from the practice of law for the first 120 days of probation months (with credit given for 60 days of inactive which commenced on December 15, 2012 and ended on February 14, 2013);
2. DAVID LAURENCE NAPLES must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 19, 2013; and
3. At the expiration of the period of probation, if DAVID LAURENCE NAPLES has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID LAURENCE NAPLES 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.

S216044**OLEKSIIEWICZ ON
DISCIPLINE**

Recommended discipline imposed

The court orders that LAWRENCE MARION OLEKSIIEWICZ, State Bar Number 165752, 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. LAWRENCE MARION OLEKSIIEWICZ must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 19, 2013; and
2. At the expiration of the period of probation, if LAWRENCE MARION OLEKSIIEWICZ has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

LAWRENCE MARION OLEKSIIEWICZ 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. One-half of the costs must be paid with his membership fees for each

of the years 2015 and 2016. If LAWRENCE MARION OLEKSIEWICZ 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.

S216046**SEALS ON DISCIPLINE**

Recommended discipline imposed

The court orders that LINDA LEE SEALS, State Bar Number 129003, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. LINDA LEE SEALS is suspended from the practice of law for the first 60 days of probation;
2. LINDA LEE SEALS 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 November 26, 2013; and
3. At the expiration of the period of probation, if LINDA LEE SEALS has complied with all conditions of probation, the two-year 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-half of the costs must be paid with her membership fees for each of the years 2015 and 2016. If LINDA LEE SEALS 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.

S216049**TACHNER ON DISCIPLINE**

Recommended discipline imposed

The court orders that LEONARD TACHNER, State Bar Number 58436, 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. LEONARD TACHNER is suspended from the practice of law for the first 90 days of probation;
2. LEONARD TACHNER 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 October 18, 2013; and
3. At the expiration of the period of probation, if LEONARD TACHNER has complied with all conditions of probation, the two years period of stayed suspension will be satisfied and that suspension will be terminated.

LEONARD TACHNER 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).)

LEONARD TACHNER 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.

S216051**VOHRA ON DISCIPLINE**

Recommended discipline imposed

The court orders that ROBERT NARESH VOHRA, State Bar Number 163798, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ROBERT NARESH VOHRA is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. ROBERT NARESH VOHRA 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 November 22, 2013.
3. At the expiration of the period of probation, if ROBERT NARESH VOHRA has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

ROBERT NARESH VOHRA 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).)

ROBERT NARESH VOHRA 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 his membership fees for each of the years 2015 and 2016. If ROBERT NARESH VOHRA 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.

S215198**SLAIN ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with disciplinary charges pending of DOUGLAS RICHARD SLAIN, State Bar Number 48686, as a member of the State Bar of California is accepted. If Douglas Richard Slain subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

DOUGLAS RICHARD SLAIN must comply with rule 9.20 of the California Rules of Court 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 be considered in any future reinstatement proceeding.

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.