

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 29, 2017
SAN FRANCISCO, CALIFORNIA**

S117489**PEOPLE v. WINBUSH
(GRAYLAND)**

Rehearing denied; opinion modified

ORDER MODIFYING OPINION AND DENYING PETITION FOR REHEARING
THE COURT:

The opinion in this matter filed January 26, 2017, and appearing at 2 Cal.5th 402, is modified as follows:

On page 23 of the typed opinion (2 Cal.5th at p. 432), the sentence reading, “Her candid admission that she could not vote for death under any circumstances revealed views that would ‘prevent or substantially impair’ her ability to perform as a capital juror. (*Wainwright v. Witt, supra*, 469 U.S. at p. 424.)” is modified to read, “The trial court’s implied factual finding as to E. I.’s true state of mind that (1) she could not vote for death under any circumstances, and (2) her point of view would ‘prevent or substantially impair’ her ability to perform as a capital juror (*Wainwright v. Witt, supra*, 469 U.S. at p. 424), has substantial support in the record and we defer to it (*People v. Mickel* (2016) 2 Cal.5th 181, 215).”

This modification does not change the judgment.

The petition for rehearing is denied.

S239907

D068657 Fourth Appellate District, Div. 1

**SAN DIEGO, COUNTY OF v.
COMMISSION ON STATE
MANDATES**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240245

B265304 Second Appellate District, Div. 8

**CHEN (HAIRU) v. L.A.
TRUCK CENTERS, LLC**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240419

F065288 Fifth Appellate District

**PEOPLE v. ENRIQUEZ
(RAMIRO)**

Case consolidated - all subsequent events to be docketed in lead case

On March 13, 2017, the court received a letter request from Ms. Janet Gray, counsel for Enriquez, asking that *People v. Enriquez*, S240419, be joined with *People v. Gutierrez, et al.*, S224724, for

purpose of opinion. No opposition to this request was filed. Both counsel in *Enriquez* subsequently informed the court in writing that they waive oral argument and agree to submit on the briefs.

Enriquez's request to consolidate the cases is granted. The above-entitled cases are hereby consolidated for purpose of opinion.

S239402 A149860 First Appellate District, Div. 4 **FTI, LLC v. S.C.
(COULOMBE)**

Petition for review granted; briefing deferred

The petition for review of FTI, LLC, and FTI Consulting, Inc., is granted. Further action in this matter is deferred pending finality of this court's decision in *Bristol-Myers Squibb v. Superior Court* (2016) 1 Cal.5th 783 (cert. granted Jan. 19, 2017), or pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) 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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S239837 H040421 Sixth Appellate District **PEOPLE v. MIZNER
(ANTHONY)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of related issues in *People v. Chaney*, S223676, and *People v. Valencia*, S223825 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S239935 C077898 Third Appellate District **PEOPLE v. GANN (JOHN
DAVID)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of related issues in *People v. Estrada*, S232114, and *People v. Frierson*, S236728 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S239961 C081047 Third Appellate District **PEOPLE v. PEREZ (LUIS
MANUEL)**

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 *People v. Buycks*, S231765 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240039 A149484 First Appellate District, Div. 3 **COLEMAN (LAVAR) ON H.C.**
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 Martinez*, S226596 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S234842 **SCOGGINS (WILLIE) ON H.C.**

Order to show cause issued; returnable in Court of Appeal, Third Appellate District

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause returnable before the Third District Court of Appeal, when the matter is placed on calendar, why petitioner is not entitled to relief in light of *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522, 609-623. The return is to be filed April 28, 2017.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240021 B280100 Second Appellate District, Div. 5 **WALKER (MICHAEL KERR) v. S.C. (PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Five, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its order denying the petition for writ of mandate and to issue an order directing respondent court to show cause why the relief sought in the petition should not be granted.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240076 C083958 Third Appellate District **GUINEY (PAUL) v. S.C. (PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Third Appellate District, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its order denying the petition for writ of mandate or prohibition and to issue an order directing respondent court to show cause why the relief sought in the petition should not be granted. The stay issued by this court remains in effect pending further

order of the Court of Appeal.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S240182 B280429 Second Appellate District, Div. 3 **LOS ANGELES, CITY OF v. S.C. (GRUPPIONI)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Three, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its order denying mandate and to issue an order directing respondent Los Angeles County Superior Court to show cause why the relief sought in the petition should not be granted.

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S153974 **LEONARD (ERIC ROYCE) ON H.C.**

Petition for writ of habeas corpus denied (AA)

This petition for writ of habeas corpus was filed in this court on June 29, 2007, before the 2016 General Election in which the voters enacted Proposition 66, the “Death Penalty Reform and Savings Act of 2016.” This court has stayed the implementation of Proposition 66 in *Briggs et al. v. Brown et al.* (S238309). If Proposition 66 takes effect, the court would have authority to retain this petition and decide it under the newly enacted section 1509, subdivision (g) of the Penal Code. In these circumstances, the court has elected to rule on the petition at this time.

The petition for writ of habeas corpus is denied on the merits.

These subclaims are also denied on the ground that they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225):

1. Petitioner’s allegations in Claim One that the trial court’s ruling that he was competent to stand trial was not supported by substantial evidence, and that he was prejudiced by the court’s failure to appoint the director of the regional center to evaluate him.
2. Petitioner’s allegations in Claim Seven that Juror No. 8 committed prejudicial misconduct when he refused to deliberate at both the guilt and penalty phases of trial; that Juror No. 7 committed misconduct by telling the jury that, based on his experience firing handguns, the murder weapon could be accurately fired at close range without expertise; that the jury committed prejudicial misconduct by discussing the appeals process; that the jury committed prejudicial misconduct by discussing the relative costs of the death penalty and life imprisonment; and that the jury committed prejudicial misconduct by discussing petitioner’s failure to testify at the penalty phase.

These subclaims are also denied on the ground that they could have been, but were not, raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759):

1. Petitioner’s allegation in Claim Six that the prosecutor violated his right not to incriminate himself by pointing out that the defense had not called an expert to contradict the prosecution’s ballistics expert.
2. Petitioner’s allegations in Claim Seven that Juror No. 7 committed prejudicial misconduct by

concealing his knowledge of handguns and by voting for death without considering the defense's mitigating evidence, that the jury committed prejudicial misconduct by discussing whether petitioner would be able to survive in a Level IV prison setting and whether he would be a danger to staff and other inmates if he was housed off of death row, and that the jury committed prejudicial misconduct by discussing petitioner's failure to testify at the guilt phase.

3. Petitioner's allegation in Claim Eight that the superior court failed to create, preserve, and settle a complete, accurate, and reliable record.

These subclaims are also denied on the ground that petitioner could have, but did not, raise them at trial (*In re Seaton* (2004) 34 Cal.4th 193, 200):

1. Petitioner's allegation in Claim Four that the eyewitness identification testimony of prosecution witnesses Sallie Jane Thomas, Alexander Ting, Charlotte Henstra, Shane Whitcomb, and Michael Hinch resulted from unduly suggestive procedures used by the Sacramento County Sheriff's Department.
2. Petitioner's allegation in Claim Ten that the trial court denied his motion for a change of venue because of Sacramento County's financial woes.

Justice Werdegard would not apply the *Seaton* bar.

S157242

**CAREY (DEWAYNE
MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied (AA)

This petition for writ of habeas corpus was filed in this court on October 16, 2007, before the 2016 General Election in which the voters enacted Proposition 66, the "Death Penalty Reform and Savings Act of 2016." This court has stayed the implementation of Proposition 66 in *Briggs et al. v. Brown et al.* (S238309). If Proposition 66 takes effect, the court would have authority to retain this petition and decide it under the newly enacted section 1509, subdivision (g) of the Penal Code. In these circumstances, the court has elected to rule on the petition at this time.

The petition is denied. All claims are denied on the merits.

Claim 8 is barred under *In re Seaton* (2004) 34 Cal.4th 193, 198-200, to the extent it could have been, but was not, raised in the trial court. Justice Werdegard would not apply the *Seaton* bar to this claim.

Claims 3 and 8, except to the extent they raise claims of ineffective assistance of counsel, are barred under *In re Dixon* (1953) 41 Cal.2d 756, 759, to the extent they could have been, but were not, raised on appeal. (See also *In re Reno* (2012) 55 Cal.4th 428, 443, 490-496.)

S239226 B269374 Second Appellate District, Div. 6
Petition for review denied

McNEAL (PETER) ON H.C.

S239374 B262568 Second Appellate District, Div. 8

**PEOPLE v. ZUBEK (BRENT
DARRIN)**

Petition for review denied

S239519 E064026 Fourth Appellate District, Div. 2

Petition for review denied

**HERNANDEZ (MARTINA) v.
ROSS STORES, INC.**

S239615 F069675 Fifth Appellate District

Petition for review denied

**PEOPLE v. SANDOVAL
(ROBERTO JESUS)**

S239664 D071546 Fourth Appellate District, Div. 1

Petition for review denied

HARRISON (JOHN) ON H.C.

S239674 H040061 Sixth Appellate District

Petitions for review denied

PEOPLE v. WELLS (NIRAN)

S239681 B260489 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. McNEAL (PETER
IVAN)**

S239685 B270796 Second Appellate District, Div. 4

Petition for review denied

**VEERA (SAJIID) v. BANANA
REPUBLIC, LLC**

S239691 A149877 First Appellate District, Div. 1

Petition for review denied

TYSON (MORGAN) ON H.C.

S239697 F070832 Fifth Appellate District

Petition for review denied

**GONZALES (GENOVEVO) v.
CITY OF ATWATER
(CARRIZALES)**

S239727 B270852 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. MAGDELENO
(ABRAHAM RUIZ)**

S239740 A146013/A148084 First Appellate District, Div. 3 **PEOPLE v. PAKEMAN
(JUSTIN ELLIOTT)**

Petition for review denied

S239745 D071585 Fourth Appellate District, Div. 1 **COLLINS (JOE ALAN) v. S.C.
(PEOPLE)**

Petition for review denied

S239758 F070141 Fifth Appellate District **PEOPLE v. MUNGUIA (JOSE
LUIS)**

Petitions for review denied

S239785 B264855 Second Appellate District, Div. 1 **PEOPLE v. MOORE
(RAPHAEL A.)**

Petition for review denied

S239807 C081035 Third Appellate District **PEOPLE v. LUCERO
(ANTHONY)**

Petition for review denied

S239818 D068922 Fourth Appellate District, Div. 1 **PEOPLE v. ORTIZ (HECTOR
GUSTAVO)**

Petition for review denied

S239823 E061939 Fourth Appellate District, Div. 2 **GOUGEON (RUTH) v. PARKS
(GUY OLIVER)**

The request for judicial notice filed on January 31, 2017, is granted.
The petition for review is denied.

S239835 H042324 Sixth Appellate District **MIZNER (ANTHONY
ROBERT) ON H.C.**

Petition for review denied

S239844 B279121 Second Appellate District, Div. 7 **HERNANDEZ (ALEJANDRO)
v. S.C. (PEOPLE)**

Petition for review denied

S239845	B267372 Second Appellate District, Div. 7	PURNELL (DEBORAH A.) v. EDWARDS (LARRY)
Petition for review denied		
S239854	H034348 Sixth Appellate District	PEOPLE v. CRAMER (JAMES)
Petitions for review denied		
S239859	B265788 Second Appellate District, Div. 5	PEOPLE v. GRANT (MICHAEL DAVID)
Petition for review denied		
S239915	B265889 Second Appellate District, Div. 4	PEOPLE v. ROBLES (ELVIS AARON)
Petition for review denied		
S239918	A141557 First Appellate District, Div. 5	PEOPLE v. McNEELY (JOE)
Petitions for review denied		
S239923	G052410 Fourth Appellate District, Div. 3	FLORES (JULIE) v. NATURE'S BEST DISTRIBUTION, LLC
Petition for review & depublication request(s) denied		
S239993	F070431 Fifth Appellate District	PEOPLE v. WHITE (JERRY LEE)
Petition for review denied		
S239998	D070014 Fourth Appellate District, Div. 1	PEOPLE v. BJORK (ASHLEY LYNN)
Petition for review denied		
S240000	G052047 Fourth Appellate District, Div. 3	PEOPLE v. VON SCHERT (STEVEN)
Petition for review denied		

S240019 B280230 Second Appellate District, Div. 2

Petition for review denied

RANDOLPH (COLIN M.) ON H.C.

S240030 H044165 Sixth Appellate District

Petition for review denied

RODRIGUES (MICHAEL JOHN) ON H.C.

S240034 A148986 First Appellate District, Div. 5

Petition for review denied

POSTON (DONEL) ON H.C.

S240063 B269759 Second Appellate District, Div. 8

Petition for review denied

PEOPLE v. CASTANEDA (CESAR ARTURO)

S240079 D063556 Fourth Appellate District, Div. 1

Petition for review denied

BIGLER-ENGLER (VIRGINIA) v. BREG, INC.

S240124 B279660 Second Appellate District, Div. 7

Petition for review denied

XEROX CORPORATION v. WORKERS' COMPENSATION APPEALS BOARD & SCHULKE (RYAN)

S240132 B269458 Second Appellate District, Div. 7

Petition for review denied

EVERETT, JR., (RONALD) ON H.C.

S240141 D069612 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. BOSELLY (MATTHEW RONALD)

S240142 H041973 Sixth Appellate District

Petition for review denied

PEOPLE v. GROSSE (JERMAINE ANGELO)

S240144 H042969 Sixth Appellate District

Petition for review denied

**PEOPLE v. GARCIA
(THOMAS)**

S240152 B264879 Second Appellate District, Div. 4
Petition for review denied

IN RE D.B.

S240159 B267991 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. PAULK
(CHRISTIAN MICHAEL)**

S240163 D069488 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SANTIBANEZ
(DIEGO ORTIZ)**

S240164 B270874 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. MURPHY
(KEYMOND MIGUEL)**

S240167 E064510 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SERENO
(ANTELMO TORRES)**

S240173 H036693 Sixth Appellate District

Petition for review denied

**SHOE PALACE
CORPORATION v. AHMAD
(NADEEM)**

S240175 A149715 First Appellate District, Div. 3
Petition for review denied

PEOPLE v. S.C. (KATZ)

S240176 B268641 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. JOHNSON
(TERRELL)**

S240180 B269930 Second Appellate District, Div. 5
Petition for review denied

PEOPLE v. ZAMORA (IVAN)

S240181 A150391 First Appellate District, Div. 4
Petition for review denied

**BARKER (RICHARD A) v.
S.C. (PEOPLE)**

S240186 A148577 First Appellate District, Div. 1
Petition for review denied

PEOPLE v. CRAIG (KEVIN)

S240190 D068199 Fourth Appellate District, Div. 1

Petition for review denied

**MILNER (LARRY D.) v.
REGENTS OF THE
UNIVERSITY OF
CALIFORNIA**

S240194 A142946 First Appellate District, Div. 4
Petition for review denied

**ROBINSON (WYVETTA) v.
CALHOUN (DELORIS)**

S240204 E062594 Fourth Appellate District, Div. 2
Petition for review denied

**LOZANO (AFRA) v. PALM
COMMUNITIES**

S240216 E063240 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. NEAL (DEONDRE
DAVONE)**

S240228 C083643 Third Appellate District

Petition for review denied

**WELCH-BROWN (GAYE) v.
STATE CONTROLLER'S
OFFICE**

S240233 B270312 Second Appellate District, Div. 6
Petition for review denied

**PEOPLE v. HALE (ROBERT
LEE)**

S240236 B271983 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. MIRANDA
(DAVID A.)**

S240239 B267162 Second Appellate District, Div. 7

Petition for review denied

**MALIBU, CITY OF v. KENT
(JENNIFER)/(PRENTISS)**

S240240 B268736 Second Appellate District, Div. 6

Petition for review denied

**MOSBY (JAMES) v. COUNTY
OF SANTA BARBARA**

S240243 B280503 Second Appellate District, Div. 1

Petition for review denied

**LOCATELLI (PAUL
ANTHONY) v. S.C.
(LOCATELLI)**

S240249 B269407 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. WORDEN
(MATTHEW STEWART)**

S240254 E067640 Fourth Appellate District, Div. 2

Petition for review denied

RUNNELS (JASON) ON H.C.

S240257 C079607 Third Appellate District

Petition for review denied

PEOPLE v. JIMENEZ (JUAN)

S240262 C082015 Third Appellate District

Petition for review denied

**PEOPLE v. GOCKE (JOSEPH
VINCENT)**

S240263 B279878 Second Appellate District, Div. 2

Petition for review denied

HEGLER (JAMES) ON H.C.

S240273 B267524 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. KEYES
(JAMARAE LAMONZE)**

S240346 B280618 Second Appellate District, Div. 6

Petition for review denied

**DRISCOLL (KEVIN DANIEL)
v. S.C. (PEOPLE)**

S231775

Petition for writ of habeas corpus denied

**GUERRERO (FERMIN) ON
H.C.**

S236101

Petition for writ of habeas corpus denied

**MUNOZ (JOSE EFRAIN) ON
H.C.**

S236882

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.)

**VICKERS, JR., (LARRY) ON
H.C.**

S236885

Petition for writ of habeas corpus denied

NOLAN (LAIR) ON H.C.

S237097

Petition for writ of habeas corpus denied

**LEON (SALVADOR
CARRILLO) ON H.C.**

S237113

Petition for writ of habeas corpus denied

**SHIRRIEL (TYRONE) ON
H.C.**

S237118

Petition for writ of habeas corpus denied

**BARNES (ROMAN EARL) ON
H.C.**

S237301**RICHARDS (JAMES
DeMARCO) ON H.C.**

Petition for writ of habeas corpus denied

S237921**AVILA (ERNESTO) ON H.C.**

Petition for writ of habeas corpus denied

S238564**CATA (MICHAEL D.) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S239190****ARREDONDO (JESSE
ANDREW) ON H.C.**

Petition for writ of habeas corpus denied

S239424**OESTREICH (NICHOLAS
ROY) ON H.C.**

Petition for writ of habeas corpus denied

S239607**SAVARY (KEFFIER) ON H.C.**

Petition for writ of habeas corpus denied

S239739**NOWDEN (FRED) ON H.C.**

Petition for writ of habeas corpus & application for stay denied

S239755**TAYLOR (JEFFREY
LAMONT) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926; *In re Swain* (1949) 34 Cal.2d 300, 304.)**S239794****CLAY (ERIC L.) ON H.C.**

Petition for writ of habeas corpus denied

S239860**FLIE (DONZELL) ON H.C.**

Petition for writ of habeas corpus denied

S239904**CHRISTENSON (JOSHUA)
ON H.C.**

Petition for writ of habeas corpus denied

S239910**POWERS (NATHAN LEE) ON
H.C.**

Petition for writ of habeas corpus denied

S239937**DUE (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

S239942**SHABAZZ (JOSHUA) ON H.C.**

Petition for writ of habeas corpus denied

S239946**RAY, JR., (EDWARD
VINCENT) ON H.C.**

Petition for writ of habeas corpus denied

S239964**IBRAHIM (HUSSEIN ADEN)
ON H.C.**

Petition for writ of habeas corpus denied

S239970**BISCHOF (RICHARD DALE)
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 *People v. Valenzuela*, S232900.

S239972**GREEN (VENCIL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Villa* (2009) 45 Cal.4th 1063.)

S239973**HAYES (HENRY C.) 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; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S239983**PIERCE (SEBREN A.) 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.)

S239988**JONES (CHARLES
FRANKLIN) 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 *Butler on Habeas Corpus*, S237014.

S239991**BOVARIE (MARCUS) 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 *People v. Valenzuela*, S232900, and *People v. Romanowski*, S231405.

S240066**CORONA (ROBERT
ALFONSO) ON H.C.**

Petition for writ of habeas corpus denied

S240070**MORRIS (CONDALEE) ON
H.C.**

Petition for writ of habeas corpus denied

S240080**JACKSON (LAMON) ON H.C.**

Petition for writ of habeas corpus denied

S240082**JOHNSON (ALLEN DELANO)
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.)

S240088**TAPIA (GERARDO) ON H.C.**

Petition for writ of habeas corpus denied

S240169**LOVELAND (DANA) ON H.C.**

Petition for writ of habeas corpus denied

S240128 D069033 Fourth Appellate District, Div. 1

**WEST COAST AIR
CONDITIONING COMPANY,
INC. v. CALIFORNIA
DEPARTMENT OF
CORRECTIONS &
REHABILITATION**

Publication request denied (case closed)

S165894

**PEOPLE v. PENUELAS
(JESUS GUADALUPE
VELAZQUEZ)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that the appellant's opening brief is anticipated to be filed by November 4, 2017, counsel's request for an extension of time in which to file that brief is granted to June 5, 2017. After that date, only three further extensions totaling about 155 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).)

S185640

**PEOPLE v. KELLEY (JIMMY
DALE)**

Extension of time granted

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

Good cause appearing, and based upon counsel Diane E. Berley's representation that the appellant's opening brief is anticipated to be filed by October 15, 2017, counsel's request for an extension of time in which to file that document is granted to May 12, 2017. After that date, only three further extensions totaling about 155 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).)

S195828

**PEOPLE v. VILLA
(RICARDO)**

Extension of time granted

Good cause appearing, and based upon counsel Stephen M. Lathrop's representation that the appellant's opening brief is anticipated to be filed by December 12, 2017, counsel's request for an extension of time in which to file that brief is granted to May 30, 2017. After that date, only four further extensions totaling about 196 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).)

S202630**PEOPLE v. BUTLER
(RAYMOND OSCAR)**

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 June 2, 2017.

S203206**PEOPLE v. BROWN
(SHERHAUN KEROD)**

Extension of time granted

Good cause appearing, and based upon counsel Harry M. Caldwell's representation that the appellant's opening brief is anticipated to be filed by July 26, 2017, counsel's request for an extension of time in which to file that brief is granted to May 26, 2017. After that date, only one further extension totaling about 60 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).)

S203540**PEOPLE v. BROWN (LATECE
MEGALE)**

Extension of time granted

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

Good cause appearing, and based upon counsel Glen Niemy's representation that the appellant's opening brief is anticipated to be filed by December 31, 2017, counsel's request for an extension of time in which to file that brief is granted to May 19, 2017. After that date, only four further extensions totaling about 227 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).)

S237379

B255598 Second Appellate District, Div. 3

**PEOPLE v. RODAS
(DOMINGO)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to April 28, 2017.

S238748**ELLIS (KATHRYN ANN) 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 the informal response is extended to April 19, 2017.

S239552**PEOPLE v. WASHINGTON
(DARNELL KEITH)**

Extension of time granted

Good cause appearing therefor, in light of the fact that the combined clerk's and reporter's transcript exceeds 31,000 pages, the request of the Clerk of the Superior Court of Contra Costa County for a 45-day extension of time to complete the clerk's transcript on appeal is granted. (See Cal. Rules of Court, rule 8.616(d).)

The Clerk of the Superior Court of Contra Costa County is directed to complete the clerk's transcript on appeal on or before May 4, 2017, and to notify the Clerk of this court in writing as soon as the transcript is completed.

S240560

G054601 Fourth Appellate District, Div. 3

**KRUSICK (ALBERT J.) 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 answer to petition for review is extended to and April 18, 2017.

S236208**HELLER EHRMAN LLP v.
DAVIS WRIGHT TREMAINE
LLP**

Application to appear as counsel pro hac vice granted

The application of Anthony E. Davis for admission pro hac vice to appear on behalf of Association of Professional Responsibility Lawyers is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S236208**HELLER EHRMAN LLP v.
DAVIS WRIGHT TREMAINE
LLP**

Application to appear as counsel pro hac vice granted

The application of Joel D. Bertocchi for admission pro hac vice to appear on behalf of Association of Professional Responsibility Lawyers is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S239936

F072237 Fifth Appellate District

**PEOPLE v. GITTENS
(GLORIA DENISE)**

Counsel appointment order filed

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

S239950 A146082 First Appellate District, Div. 4 **IN RE R.F.**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Michael Allen 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) & RAMOS
(GABRIEL)**

Order filed

On March 13, 2017, the court received a letter request from Ms. Janet Gray, counsel for Enriquez, asking that *People v. Enriquez*, S240419, be joined with *People v. Gutierrez, et al.*, S224724, for purpose of opinion. No opposition to this request was filed. Both counsel in *Enriquez* subsequently informed the court in writing that they waive oral argument and agree to submit on the briefs.

Enriquez's request to consolidate the cases is granted. The above-entitled cases are hereby consolidated for purpose of opinion.

S239672

ACCUSATION OF LEAL

Petition denied (accusation)

S240237

ACCUSATION OF YOUNG

Petition denied (accusation)

S240825

ALEX ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of NANCY JANE ALEX, State Bar Number 168540, as a member of the State Bar of California is accepted.

NANCY JANE ALEX must also 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.

S240826

KIVEL ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of LUCY ELLEN KIVEL, State Bar Number 84413, as a member of the State Bar of California is accepted.

LUCY ELLEN KIVEL must also 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.

S240827**POWERS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID N. POWERS, State Bar Number 106852, as a member of the State Bar of California is accepted.

DAVID N. POWERS must also 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.

S240830**SCHWARTZ ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROGER ALLEN SCHWARTZ, State Bar Number 126969, as a member of the State Bar of California is accepted.

ROGER ALLEN SCHWARTZ must also 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.

S240831**SHERMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of M. GARTH SHERMAN, State Bar Number 102223, as a member of the State Bar of California is accepted.

M. GARTH SHERMAN must also 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.

S240832**VOLPE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM S. VOLPE, State Bar Number 63094, as a member of the State Bar of California is accepted.

WILLIAM S. VOLPE must also 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.

S240833**ABRAMS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PAULA LYNN ABRAMS, State Bar Number 90638, as a member of the State Bar of California is accepted.

PAULA LYNN ABRAMS must also 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.

S240834**BITTNER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANNE CATHERINE BITTNER, State Bar Number 110136, as a member of the State Bar of California is accepted.

ANNE CATHERINE BITTNER must also 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.

S240837**CAPONE III ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DANIEL CAPONE III, State Bar Number 180565, as a member of the State Bar of California is accepted.

DANIEL CAPONE III must also 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.

S240838**CAPONE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TAMARA LYNN CAPONE, State Bar Number 174392, as a member of the State Bar of California is accepted.

TAMARA LYNN CAPONE must also 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.

S240839**DECKER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANTOINETTE DECKER, State Bar Number 76352, as a member of the State Bar of California is accepted.

ANTOINETTE DECKER must also 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.

S240841**EWERT ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LOWELL MARK EWERT, State Bar Number 97536, as a member of the State Bar of California is accepted.

LOWELL MARK EWERT must also 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.

S240843**KENNEDY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARIAN KENNEDY, State Bar Number 62422, as a member of the State Bar of California is accepted.

MARIAN KENNEDY must also 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.

S240844**KERLEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of FREDERICK JAMES KERLEY, State Bar Number 173237, as a member of the State Bar of California is accepted.

FREDERICK JAMES KERLEY must also 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.

S240845**RIDLON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RAY WARNER RIDLON, State Bar Number 199298, as a member of the State Bar of California is accepted.

RAY WARNER RIDLON must also 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.

S240846**WIHTOL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JEFFREY BLAIR WIHTOL, State Bar Number 79227, as a member of the State Bar of California is accepted.

JEFFREY BLAIR WIHTOL must also 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.

S240847**ARUTI ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARYANN ARUTI, State Bar Number 214970, as a member of the State Bar of California is accepted.

MARYANN ARUTI must also 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.

S240848**BERG ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LISA ANN BERG, State Bar Number 190106, as a member of the State Bar of California is accepted.

LISA ANN BERG must also 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.

S240851**DIESETH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PAUL ROBERT DIESETH, State Bar Number 104358, as a member of the State Bar of California is accepted.

PAUL ROBERT DIESETH must also 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.

S240852**HAFFNER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROSEMARY HAFFNER, State Bar Number 96429, as a member of the State Bar of California is accepted.

ROSEMARY HAFFNER must also 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.

S240853**HEALEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTOPHER M. HEALEY, State Bar Number 258368, as a member of the State Bar of California is accepted.

CHRISTOPHER M. HEALEY must also 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.

S240854**HENDERSON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARK MATTHEW HENDERSON, State Bar Number 148950, as a member of the State Bar of California is accepted.

MARK MATTHEW HENDERSON must also 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.

S240855**HILL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAY STANLEY HILL, State Bar Number 101761, as a member of the State Bar of California is accepted.

JAY STANLEY HILL must also 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.

S240857**LIEBMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KENNETH ARTHUR LIEBMAN, State Bar Number 90438, as a member of the State Bar of California is accepted.

KENNETH ARTHUR LIEBMAN must also 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.

S240858**McCORMICK ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JILL K. McCORMICK, State Bar Number 176756, as a member of the State Bar of California is accepted.

JILL K. McCORMICK must also 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.

S240859**TIBBETT ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of VICKI SEALS TIBBETT, State Bar Number 91258, as a member of the State Bar of California is accepted.

VICKI SEALS TIBBETT must also 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.

S240931**BOLING ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM CHAMP BOLING, State Bar Number 187803, as a member of the State Bar of California is accepted.

WILLIAM CHAMP BOLING also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

S240932**GLOVER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KIRK LEROY GLOVER, State Bar Number 139671, as a member of the State Bar of California is accepted.

KIRK LEROY GLOVER also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

S240933**MORRIS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LISBETH MARY MORRIS, State Bar Number 126880, as a member of the State Bar of California is accepted.

LISBETH MARY MORRIS also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

S240934**NICOLLE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RACHELLE JOYE NICOLLE, State Bar Number 129385, as a member of the State Bar of California is accepted.

RACHELLE JOYE NICOLLE also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

S240936**RANCIGLIO ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ALEX JUSTIN RANCIGLIO, State Bar

Number 162222, as a member of the State Bar of California is accepted.

ALEX JUSTIN RANCIGLIO must also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

S240937**SHIGA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GENJI HOMER SHIGA, State Bar Number 225959, as a member of the State Bar of California is accepted.

GENJI HOMER SHIGA must also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

S240939**TEMPLETON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOSEPH OSBORNE TEMPLETON, State Bar Number 94377, as a member of the State Bar of California is accepted.

JOSEPH OSBORNE TEMPLETON must also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

S240940**ZOFF ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JoANNE MARGARET ZOFF, State Bar Number 63301, as a member of the State Bar of California is accepted.

JoANNE MARGARET ZOFF must also 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 must 30 and 40 calendar days, respectively, after the effective date of this order.

**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. 1,304)**

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.)