

**SUPREME COURT MINUTES
WEDNESDAY, MAY 7, 2014
SAN FRANCISCO, CALIFORNIA**

S087533**PEOPLE v. POPS (ASWAD) &
WILSON (BYRON)**

Extension of time granted

Good cause appearing, and based upon counsel Marilee Marshall's representation that appellant Aswad Pops' reply brief is anticipated to be filed by August 26, 2014, counsel's request for an extension of time in which to file that brief is granted to June 27, 2014. After that date, only one further extension totaling about 60 additional days is contemplated.

S113421**PEOPLE v. HARDY
(WARREN JUSTIN)**

Extension of time granted

Good cause appearing, and based upon counsel Susan K. Shaler's representation that the appellant's reply brief is anticipated to be filed by October 30, 2014, counsel's request for an extension of time in which to file that brief is granted to July 1, 2014. After that date, only two further extensions totaling about 120 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).)

S127119**PEOPLE v. GIVENS (TODD)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald Turner's representation that the appellant's opening 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 July 7, 2014. 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).)

S165649**PEOPLE v. COOK
(MICHAEL)**

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 30, 2014.

S167195**VALENCIA (ALFREDO) ON
H.C.**

Extension of time granted

Good cause appearing, counsel Shelley Sandusky's request for an extension of time in which to file the reply to the informal response to the petition for writ of habeas corpus is granted to July 1, 2014. After that date, only two further extensions totaling about 90 additional days will be granted.

S174232**PEOPLE v. KEMP (DARRYL
THOMAS)**

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 July 8, 2014.

S202107 A124765/A130151 First Appellate District, Div. 3 **PEOPLE v. TOM (RICHARD)**
Order filed

The issue to be argued and decided is limited to the question whether the use of a defendant's postarrest, pre-*Miranda* silence in the prosecution's case-in-chief violates the Fifth Amendment privilege against self-incrimination or the Fourteenth Amendment right to due process when the silence was neither compelled nor induced by governmental action beyond the arrest itself, and whether any error concerning the admission of defendant's postarrest, pre-*Miranda* silence was harmless.

**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. 1,146)**

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

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

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
May 28 and 29, 2014
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 28 and 29, 2014.

WEDNESDAY, MAY 28, 2014 — 9:00 A.M.

- (1) S207173 Tuolumne Jobs & Small Business Alliance v. Superior Court of Tuolumne County (Wal-Mart Stores Inc., et al., Real Parties in Interest) (*Blease, J., assigned justice pro tempore*)
- (2) S194388 People ex rel. Harris (Kamala D.) v. Pac Anchor Transportation, Inc. et al. (*Aronson, J., assigned justice pro tempore*)
- (3) S202107 People v. Tom (Richard) (*Rylaarsdam, J., assigned justice pro tempore*)

1:30 P.M.

- (4) S106489 People v. Weatherton (Fred Lewis) [Automatic Appeal] (*Ruvolo, J., assigned justice pro tempore*)
- (5) S076339 People v. Grimes (Gary Lee) [Automatic Appeal] (*Zelon, J., assigned justice pro tempore*)
- (6) S049596 People v. Bryant (Stanley), Smith (Donald Franklin), and Wheeler (Leroy) [Automatic Appeal] (*Bruiniers, J., assigned justice pro tempore*)

THURSDAY, MAY 29, 2014 — 9:00 A.M.

- (7) S211702 People v. Eid (Reynaldo Junior) et al. (*Benke, J., assigned justice pro tempore*)
- (8) S208398 People v. Shazier (Dariel) (*Bigelow, J., assigned justice pro tempore*)
- (9) S012279 People v. Lucas (David Allen) [Automatic Appeal] (*Thompson, J., assigned justice pro tempore*)

1:30 P.M.

- (10) S077009 People v. Carrasco (Robert) [Automatic Appeal] (*Banke, J., assigned justice pro tempore*)
- (11) S097363 People v. Merriman (Justin James) [Automatic Appeal] (*Simons, J., assigned justice pro tempore*)
- (12) S061026 People v. McCurdy (Gene Estel) [Automatic Appeal] (*Ramirez, J., assigned justice pro tempore*)

CANTIL-SAKAUYE

Chief Justice

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

**SUPREME COURT MINUTES
WEDNESDAY, MAY 7, 2014
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Wednesday, May 7, 2014, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Baxter, Werdegar, Chin, Corrigan, and Liu.

Officers present: Frank A. McGuire, Clerk, and Gail Gray, Calendar Coordinator.

The Honorable Laurence D. Rubin, Associate Justice, Court of Appeal, Second Appellate District, Division Eight, sitting on the following case, under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S209125 Carolyn Gregory, Plaintiff and Appellant,
v.
Lorraine Cott et al., Defendants and Respondents.

Cause called. Alexander J. Petale argued for Appellant.
Matthew S. Blumin argued for Amicus Curiae, SEIU United Long
Term Care Workers et al..
Margaret M. Grignon argued for Respondents.

Mr. Petale replied.
Cause submitted.

Justice Laurence D. Rubin departed the bench. The court is now joined at the bench by the Honorable James A. Richman, Associate Justice, Court of Appeal, First Appellate District, Division Two.

S208173 Beacon Residential Community Association, Plaintiff and Appellant,
v.
Skidmore Owings and Merrill LLP et al., Defendants and Respondents.

Cause called. Peter Abrahams argued for Respondents.
Robert R. Riggs argued for Appellant.

Mr. Abrahams replied.
Cause submitted.

Justice James A. Richman departed the bench. The court is now joined at the bench by the Honorable Conrad Lee Rushing, Administrative Presiding Justice, Court of Appeal, Sixth Appellate District.

S208843 The People, Plaintiff and Respondent,
v.
Jeffrey Allen Whitmer, Defendant and Appellant.

Cause called. Eric Larson, Court-appointed Counsel, argued for Appellant.
Noah P. Hill, Office of the Attorney General, argued for Respondent.

Mr. Larson replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Justice Conrad Lee Rushing departed the bench. The court is now joined at the bench by the Honorable Charles S. Poochigian, Associate Justice, Court of Appeal, Fifth Appellate District.

S209376

Conservatorship of the Estate of Ida McQueen

Fessha Taye, as Conservator, etc., Plaintiff and Respondent,
v.
Carol Veres Reed, Defendant and Appellant.

Cause called. Daniel D. Murphy argued for Respondent.
Richard Pearl argued for Amicus Curiae, California Rural Legal
Assistance.
James E. Reed argued for Appellant.

Mr. Murphy replied.
Cause submitted.

Justice Charles S. Poochigian departed the bench. The court is now joined at the bench by the Honorable Terry B. O'Rourke, Associate Justice, Court of Appeal, Fourth Appellate District, Division One.

S203744

The People, Plaintiff and Respondent,
v.
Darlene A. Vargas, Defendant and Appellant.

Cause called. Melanie K. Dorian, Court-appointed Counsel, argued
for Appellant.
Kimara A. Aarons, Office of the Attorney General, argued for
Respondent.

Ms. Dorian replied.
Cause submitted.

Justice Terry B. O'Rourke departed the bench. The court is now joined at the bench by the Honorable Rosendo Pena, Jr., Associate Justice, Court of Appeal, Fifth Appellate District.

S067394 The People, Respondent,
 v.
 John Leo Capistrano, Appellant.

Cause called. Kathleen M. Scheidel, Office of the Public Defender, argued for Appellant.

Margaret E. Maxwell, Office of the Attorney General, argued for Respondent.

Ms. Scheidel replied.
Cause submitted.

Court adjourned.