

**SUPREME COURT MINUTES
WEDNESDAY, MAY 13, 2020
SAN FRANCISCO, CALIFORNIA**

S243805**FRLEKIN (AMANDA) v.
APPLE, INC.**

Rehearing denied

Chin, J., was recused and did not participate.

S260928

A158143 First Appellate District, Div. 1

IN RE A.R.

Petition for review granted; issues limited

The petition for review is granted. The issues to be briefed and argued are limited to the following:

1. Does a parent in a juvenile dependency case have the right to challenge her counsel's failure to file a timely notice of appeal from an order terminating her parental rights under Welfare and Institutions Code section 366.26? (See Welf. & Inst. Code, § 317.5, subd. (a); *In re Kristin H.* (1996) 46 Cal.App.4th 1635 [ineffective assistance of counsel claim in dependency proceeding brought on a petition for writ of habeas corpus].)
2. If so, what are the proper procedures for raising such a claim?

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

S261247 E068730/E068751 Fourth Appellate District, Div. 2**GRANDE (LYNN) v.
EISENHOWER MEDICAL
CENTER (FLEXCARE, LLC)**

Petition for review granted

The petitions for review are granted. The issue to be briefed and argued is limited to the following: May a class of workers bring a wage and hour class action against a staffing agency, settle that lawsuit with a stipulated judgment that releases all of the staffing agency's agents, and then bring a second class action premised on the same alleged wage and hour violations against the staffing agency's client?

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

S170280**PEOPLE v. BAKER (PAUL
WESLEY)**

Supplemental briefing ordered

The parties are directed to serve and file supplemental briefs addressing the following questions: Was expert testimony that is excludable under *People v. Sanchez* (2016) 63 Cal.4th 665 admitted at defendant's trial?

If so, can the admission of such evidence be asserted as a ground for reversal in this appeal (see, e.g., *People v. Perez* (2020) 9 Cal.5th 1)?

Assuming affirmative answers to the first two questions, was the admission of such evidence prejudicial to defendant with respect to any of the offenses of which he was convicted or any of the allegations found true?

The parties' supplemental briefs addressing the above questions must be served and filed on or before June 3, 2020. Any reply by the parties to the supplemental briefs must be served and filed on or before June 17, 2020.

S260915

B232572 Second Appellate District, Div. 3

**PEOPLE v. CERDA (PETER
JUAN)**

Petition for review granted; briefing deferred

The petitions for review are granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lopez*, S258175 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S260963

C089323 Third Appellate District

**PEOPLE v. GRAHAM
(TERRENCE ANDREW)**

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. Lewis*, S260598 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261128 B297588 Second Appellate District, Div. 7 **PEOPLE v. BRITT (DESHON)**
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. Lewis*, S260598 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261226 D074943 Fourth Appellate District, Div. 1 **PEOPLE v. HARPER (JULIE E.)**
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. Tirado*, S257658 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261258 C083560 Third Appellate District **PEOPLE v. SCHAFER (DANIEL GENE)**
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. Anderson*, S253227 and *Vaquera on Habeas Corpus*, S258376 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261284 D073338 Fourth Appellate District, Div. 1 **PEOPLE v. JOHNSON (REGINA RENEE)**
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. Frahs*, S252220 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261323 H045282 Sixth Appellate District**PEOPLE v. LIPSETT
(HARLEY WAYNE)**

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. Frahs*, S252220 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261348 G056849 Fourth Appellate District, Div. 3**PEOPLE v. REYNOLDS
(CHRISTINE MARIE)**

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. Tirado*, S257658 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261386 E067811 Fourth Appellate District, Div. 2**MORRISON (SINQUE) 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 *People v. Lopez (Janeth)*, S258175 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S261450 A157020 First Appellate District, Div. 5**McDOWELL (DONALD
WILLIAM) 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 *Scoggins on Habeas Corpus*, S253155 (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., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S210095**TURNER (MELVIN) ON H.C.**

Petition for writ of habeas corpus denied (AA)

This petition for writ of habeas corpus was filed in this court on April 19, 2013, before the effective date of Proposition 66, the “Death Penalty Reform and Savings Act of 2016.” (See *Briggs v. Brown et al.* (2017) 3 Cal.5th 808, 862, reh’g. den. Oct. 25, 2017.) Under section 1509, subdivision (g) of the Penal Code, the court exercises its authority to retain this petition and decide it.

The petition for writ of habeas corpus is denied.

All claims are denied on the merits.

Claims 2 through 6 are procedurally barred under *In re Miller* (1941) 17 Cal.2d 734, 735, to the extent they were raised and rejected in connection with petitioner’s first petition for writ of habeas corpus (*In re Turner*, S037486) and second petition for writ of habeas corpus (*In re Turner*, S069718). (See also *In re Reno* (2012) 55 Cal.4th 428, 496-497.)

S259688**DOWNS (GREGORY) v.
COURT OF APPEAL, THIRD
APPELLATE DISTRICT
(PEOPLE)**

Petition for writ of mandate/prohibition denied

The petition for writ of mandate/prohibition and request for expedited hearing or preliminary relief are denied.

S260308

B291027 Second Appellate District, Div. 1

**VILLARREAL, JR., (JUAN
ANTONIO) v. GORDON
(STEVE)**

Petition for review denied

S260689

A158129 First Appellate District, Div. 5

**M. (ANDREW) v. S.C.
(PEOPLE)**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled under Proposition 57. (See *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299, 310 [“ ‘When conducting the transfer hearing, the juvenile court shall, to the extent possible, treat the matter as though the prosecutor had originally filed a juvenile petition in juvenile court and had then moved to transfer [the] cause to a court of criminal jurisdiction’ ”]; Code Civ. Proc., § 170.1, subd. (a)(6)(A)(i).)

S260786 A155279 First Appellate District, Div. 1

Petition for review & publication request(s) denied

**AGUILERA (JOSE
BERDUGO) v. FARLEY
(JERAH RAE)**

S260833 D075940 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. HUBER
(RUSSELL JAY)**

S260843 H045422 Sixth Appellate District

Petition for review & publication request(s) denied

**SUTTON PLACE OF SANTA
CLARA COUNTY OWNERS
ASSOCIATION v. QUEEN
(JOLENE KAY)**

S260899 B299514 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. SAVARY
(KEFFIER HORACE)**

S260942 B290755 Second Appellate District, Div. 7

Petition for review denied

**GAMERBERG (RUBEN) v.
3000 E. 11TH ST., LLC**

S260964 D074785 Fourth Appellate District, Div. 1

Petition for review denied

**VOUGA (ZACHARY) v.
ALVARADO (OFELIA)**

S260965

The petition for writ of mandate is denied.

**HARRIS (WAYDE HOLLIS) v.
COURT OF APPEAL, FIRST
APPELLATE DISTRICT,
DIVISION TWO (PEOPLE)**

S260987 C085432 Third Appellate District

Petition for review denied

**HOGAN (MARK A.) v.
HOGAN (DALE R.)**

S261026 F077159 Fifth Appellate District

Petitions for review denied

**EDISON (MARILYN) v.
SOUTH VALLEY VASCULAR
ASSOCIATES, INC.**

S261030 H046181 Sixth Appellate District

Petition for review denied

**PEOPLE v. RAMIREZ (OMAR
CESAR)**

S261035 B283424/B285445/B286888/B288759
Second Appellate District, Div. 3

Petition for review denied

**MacDONALD (JAMES) v.
KEMPINSKY (LOUIS E.)**

S261050 B296587 Second Appellate District, Div. 1
Petition for review denied

PEOPLE v. TORRES (LUIS)

S261056 E074556 Fourth Appellate District, Div. 2

Petition for review denied

**C.O.M.E.T. v. S.C. (CITY OF
REDLANDS)**

S261059 G055864 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. REYNOLDS
(JAMES RICHARD)**

S261085 C085971 Third Appellate District

Petition for review denied

**PEOPLE v. WEEKLY
(WILLIE DIXON)**

S261099 E074415 Fourth Appellate District, Div. 2

Petition for review denied

**WHITE (SAMUEL JOSHUA)
v. S.C. (PEOPLE)**

S261123 B286731 Second Appellate District, Div. 2

Petition for review denied

**VAVLA (BOBBY F.) v. BELL
(WAYNE S.)**

S261139 B285290 Second Appellate District, Div. 4

**PEOPLE v. ADDLEMAN
(CLAYTON RUBEN)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261154 G056915 Fourth Appellate District, Div. 3

**PEOPLE v. RUIZ (DANIEL
FREDDY)**

Petition for review denied

S261159 B298714 Second Appellate District, Div. 1

**PEOPLE v. AMES (DEREK
WILLIAM)**

Petition for review denied

S261161 B282486 Second Appellate District, Div. 1

**PEOPLE v. KETCHENS
(DENZEL DOMINIQUE)**

Petition for review denied

S261193 A144079 First Appellate District, Div. 4

**PEOPLE v. TABRON
(JOSEPH DANIEL)**

Petition for review denied

S261196 B294839 Second Appellate District, Div. 4

**ODOM, JR., (WILMONT
ARGEN), ESTATE OF**

Petition for review denied

S261198 E074567 Fourth Appellate District, Div. 2

**VINKOV (SERGEI) v. S.C.
(SMITH)**

Petition for review denied

S261203 C086409 Third Appellate District

**PEOPLE v. BLACK (HOMER
GENE)**

Petition for review denied

S261222 B298086 Second Appellate District, Div. 1 **PEOPLE v. WILLIAMS
(DOMINIQUE ATHONY)**
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261224 B302986 Second Appellate District, Div. 1 **GWOZDZ (LINDA DOREEN)
ON H.C.**
Petition for review denied

S261229 A153329 First Appellate District, Div. 1 **PEOPLE v. WHITE, JR.,
(BARRY BERNARD)**
Petition for review denied

S261233 E070263 Fourth Appellate District, Div. 2 **PEOPLE v. MORALES
(EDWARD ANTHONY)**
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261240 B286807 Second Appellate District, Div. 5 **PEOPLE v. GALVEZ
(ALEJANDRO)**
Petition for review denied

S261253 C088757 Third Appellate District **PEOPLE v. ABRARIA
(GREGORY RALPH)**
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261254 E070429 Fourth Appellate District, Div. 2 **PEOPLE v. MAGEE (DUANE
MORRIS)**
Petition for review denied

S261257 A158624 First Appellate District, Div. 3 **F. (T.) v. S.C. (PEOPLE)**
Petition for review denied

S261265 D074164 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BOLLACKER
(JOSEPH WILLIAM)**

S261268 C079168/C079169 Third Appellate District

The petition for review is denied.

The request for an order directing depublication of the opinion is denied. The matter is now final.

**PEOPLE v. BERMUDEZ
(ADOLFO RODRIGUEZ)**

S261293 B303977 Second Appellate District, Div. 6

Petition for review denied

**MARTINEZ (ESTEBAN
MUNOZ) v. ESTATES LOTS
OF 976 WEST AGNES AVE.**

S261294 E070771 Fourth Appellate District, Div. 2

Petition for review denied

**SOUTH PACIFIC BIO
MEDICAL, INC. v. PEGASUS
MOLD, INC.**

S261318 B293399 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. HOLZER
(NICOLAS)**

S261321 E070079 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. JONES (RANDY
DEVANCE)**

S261327 C087059 Third Appellate District

Petition for review denied

**PEOPLE v. MARCUS
(DEMETRIOUS MONTRAIL)**

S261331 F073613 Fifth Appellate District

Petition for review denied

**PEOPLE v. BARRIENTOS
(ENCARNACION)**

S261346 B292888 Second Appellate District, Div. 4 **PEOPLE v. SOTO (FELIPE JESUS)**

Petition for review denied

S261347 D074316/D075141 Fourth Appellate District, Div. 1 **PEOPLE v. MENDEZ (EFRAIN)**

Petition for review denied

S261349 G057529 Fourth Appellate District, Div. 3 **PEOPLE v. RODRIGUEZ (ADRIAN BRIZENO)**

Petition for review denied

S261364 B295178 Second Appellate District, Div. 8 **PEOPLE v. DUNSTON (KEVIN)**

Petition for review denied

S261365 C086438 Third Appellate District **PEOPLE v. HOLMES (DEAN ALLEN)**

Petition for review denied

S261366 C084160 Third Appellate District **PEOPLE v. NATIONAL (JODY DEON)**

Petition for review denied

S261373 D075011 Fourth Appellate District, Div. 1 **PEOPLE v. MIRANDA (MICHELLE MONIQUE)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261375 F074394 Fifth Appellate District **PEOPLE v. CLARK (TRAVELL CHARLES)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261377 F074777 Fifth Appellate District

**PEOPLE v. PINEDA
(MAURICIO ALFONSO)**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Kopp*, S257844.

S261379 G056908 Fourth Appellate District, Div. 3
Petition for review denied

PEOPLE v. CRUZ (STEVEN)

S261383 D077223 Fourth Appellate District, Div. 1

Petition for review denied

**THOMAS (KEITH) v. JOHN
DOE**

S261384 F076282 Fifth Appellate District

Petition for review denied

**PEOPLE v. SMITH (ROBERT
EUGENE)**

S261389 E074594 Fourth Appellate District, Div. 2

Petition for review denied

**BROWN (TODELLA) v. S.C.
(CATHERINE BROWN
MORRIS TRUST)**

S261397 B304321 Second Appellate District, Div. 2
Petition for review denied

THOMAS (KEITH) ON H.C.

S261400 F078987 Fifth Appellate District
The request for judicial notice is granted.
The petition for review is denied.

IN RE GREGORY A.

S261422 B295306 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. ROBERTS
(RAYLONZO)**

S261424 C087955 Third Appellate District

**PEOPLE v. CONTRERAS
(MANUEL JAIME)**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Kopp*, S257844.

S261425 D075788 Fourth Appellate District, Div. 1

Petition for review & depublication request(s) denied

PEOPLE v. TURNER (JAMES EDWARD)

S261426 E071223 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. TALAMANTES, JR., (JOSE LUIS)

S261430 B291028 Second Appellate District, Div. 1

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

PEOPLE v. MORAN (KEVIN)

S261433 E072512 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. ADAMS (GABRIEL ANTHONY)

S261435 A148387 First Appellate District, Div. 4

Petition for review denied

PEOPLE v. FLORES (JOSE)

S261438 E071500 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. WILBER (DANA LEON)

S261455 F080342 Fifth Appellate District

Petition for review denied

BERRY (DAVID L.) v. S.C. (SINGH)

S261457 C087065 Third Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

PEOPLE v. ESPINOZA (GABRIEL FLORES)

S261470 D074775 Fourth Appellate District, Div. 1

Petition for review denied

SMART (MERCEDDES) v. SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

S261474 C088377 Third Appellate District

Petition for review denied

**PEOPLE v. CULVERSON
(SAMUEL EURAL)**

S261475 B294750 Second Appellate District, Div. 3

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

**PEOPLE v. CULBREATH
(OLIVIA CAROLEE)**

S261477 E074638 Fourth Appellate District, Div. 2

Petition for review denied

**VASQUEZ (VALENTINE) ON
H.C.**

S261480 C087733 Third Appellate District

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Kopp*, S257844.

**PEOPLE v. GRANT
(SYLVESTER)**

S261482 F076430 Fifth Appellate District

Petition for review denied

**PEOPLE v. LOPEZ (ALBERT
MANUEL)**

S261483 F077226 Fifth Appellate District

Petition for review denied

**PEOPLE v. GONZALEZ
(GERARDO MENDOZA)**

S261486 E073361 Fourth Appellate District, Div. 2

The request for judicial notice is granted.
The petition for review is denied.

**PEOPLE v. MUNOZ (JAMES
JOSEPH)**

S261488 A156649 First Appellate District, Div. 5

Petition for review denied

**YU (REGINE) v. YU (OLIVER
S.)**

S261492 H045777 Sixth Appellate District

**PEOPLE v. GUTIERREZ
(FRANK ISAAC)**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Kopp*, S257844.

S261494 B279770 Second Appellate District, Div. 4

**PEOPLE v. RAJABIY
(YUNUS)**

Petition for review denied

S261495 B292989 Second Appellate District, Div. 5

**PEOPLE v. CALDERON
(DAVID)**

Petition for review denied

S261499 B297835 Second Appellate District, Div. 6

**SWENSON (BRUCE ALLEN)
ON H.C.**

Petition for review denied

S261510 C087394 Third Appellate District

**PEOPLE v. DUE (GARY
SHAWN)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261511 E072144 Fourth Appellate District, Div. 2

**PEOPLE v. MARTINEZ (AL
ANTHONY)**

Petition for review denied

S261513 C087339 Third Appellate District

**PEOPLE v. HERRON (DANA
ROCHELLE)**

Petition for review denied

S261529 G058933 Fourth Appellate District, Div. 3

**TUVALU (TUTUILA FAUSIA)
v. S.C. (PEOPLE)**

Petition for review denied

S261543 D074935 Fourth Appellate District, Div. 1

**PEOPLE v. COTA
(FERNANDO L.)**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Kopp*, S257844.

S261546 H045667 Sixth Appellate District

**PEOPLE v. CORDOZA
(MICHAEL DANIEL)**

Petition for review denied

S261548 C089210 Third Appellate District

**PEOPLE v. RAMIREZ
(ROBERT DENNIS)**

Petition for review denied

S261551 C091364 Third Appellate District
Petition for review denied

OTT (DENNIS) ON H.C.

S261553 C091608 Third Appellate District

**BIRDON (JARRAY DELMAR)
ON H.C.**

Petition for review denied

S261564 B292957 Second Appellate District, Div. 3

**PEOPLE v. DELGADO
(DAVID DANIEL)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S261572 A148581 First Appellate District, Div. 2
Petition for review denied

PEOPLE v. IRVING (DISHON)

S261573 B304041 Second Appellate District, Div. 3
Petition for review denied

DIAZ (DONIVAN) ON H.C.

S261575 B295711 Second Appellate District, Div. 3

**PEOPLE v. LUNA
(SILVESTRE)**

Petition for review denied

S261576 C091638 Third Appellate District

Petition for review denied

**OGLE (CORKEY DENNIS)
ON H.C.**

S261581 C091408 Third Appellate District

Petition for review denied

**OTT (DENNIS SANDELL) v.
S.C. (PEOPLE)**

S261584 F076616 Fifth Appellate District

Petition for review denied

**PEOPLE v. ROJAS
(ROBERTO FLORES))**

S261585 E074758 Fourth Appellate District, Div. 2

Petition for review denied

**THOMAS (MELINDA K.) ON
H.C.**

S261597 F073777 Fifth Appellate District

Petition for review denied

**SAMEER (MADHU) v.
KHERA (SAMEER)**

S261598 G059010 Fourth Appellate District, Div. 3

Petition for review denied

**BYNUM (ABDUL RASHAD)
ON H.C**

S261601 F080788 Fifth Appellate District

Petition for review denied

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

**VARGAS (CANDELARIO) ON
H.C.**

S261612 B290711 Second Appellate District, Div. 7

Petition for review denied

Liu, J., is of the opinion the petition should be granted.

**PEOPLE v. GRIMES
(CHRISTOPHER)**

S261615 A159807 First Appellate District, Div. 4

Petition for review denied

HENDRIX (TONY) ON H.C.

S261618**MOURNING (JEFFERY LEE)
v. COURT OF APPEAL,
FOURTH APPELLATE
DISTRICT, DIVISION ONE
(PEOPLE)**

Petition for writ of mandate/prohibition denied

The petition for ‘extraordinary writ to the Supreme Court of California based on Senate Bill [No.] 136 & Assembly Bill [No.] 1618’ is denied for failure to demonstrate how the decision in *People v. Mourning* (Apr. 7, 2020, D0757742 [nonpub. opn.]) failed to accord petitioner any relief he was entitled to under those enactments.

S261624 G059020 Fourth Appellate District, Div. 3**LILES (ADRION) v. S.C.
(PEOPLE)**

Petition for review denied

S261626 G059021 Fourth Appellate District, Div. 3**LILES (ADRION) v. S.C.
(PEOPLE)**

Petition for review denied

S261631 B304866 Second Appellate District, Div. 7**FINK (DAVID) v. S.C.
(PEOPLE)**

Petition for review denied

S261667 B284945 Second Appellate District, Div. 5**PEOPLE v. CASIQUE
(ERNEST J.)**

Petition for review denied

S261724 B296184 Second Appellate District, Div. 6**PEOPLE v. ALEXANDER
(RANDOLPH DARIN)**

Petition for review denied

S261745**McCLARY (LORRIE SUE) v.
S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

S261829**CALIFORNIA ATTORNEYS
FOR CRIMINAL JUSTICE v.
NEWSOM (GAVIN);
BECERRA (XAVIER)**

Petition for writ of mandate/prohibition denied

This mandate proceeding, like others that have recently come before this court, raises urgent questions concerning the responsibility of state authorities during the current pandemic to protect the health and safety of inmates under their supervision and control in light of the spread of the novel coronavirus that causes COVID-19. The current proceeding arises from respondents' role in the transfer of noncitizen state prisoners and county jail inmates to federal immigration authorities, which may lead to detention in facilities that, according to the petition, do not follow safe practices or otherwise take reasonable steps to prevent transmission of the virus.

On March 23, 2020, the Centers for Disease Control and Prevention issued guidance observing that conditions in correctional and detention facilities present "unique challenges for control of COVID-19 transmission among incarcerated/detained persons, staff, and visitors." (Centers for Disease Control and Prevention, Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (Mar. 23, 2020) p. 2.) Petitioners contend that respondents, the Governor and the Attorney General, have violated their constitutional rights by failing to take action to prevent state and local authorities with custody over noncitizen inmates from facilitating their transfer to federal immigration authorities, which may lead to detention in one of five federal immigration detention facilities in California with knowledge of or reckless indifference to the risk that detention in these facilities will cause them, facility employees, and members of the surrounding communities to become infected with the novel coronavirus. Petitioners allege, with supporting declarations, that these facilities do not practice appropriate social distancing, do not maintain sanitary conditions in dorms and common areas, do not provide adequate medical care to inmates with possible symptoms of infection, and do not provide inmates with masks or supplies for basic hygiene, such as soap or hand sanitizer. Petitioners further allege that state authorities are aware of the dangerous conditions at these detention facilities but nonetheless failed to take action to prevent the transfer of noncitizen inmates to these facilities. Petitioners contend that respondents' conduct violates their right to due process. Respondents contend that the duty to remedy any violations rests with federal officials in charge of the detention facilities, that pending federal litigation provides an adequate alternative remedy, and that petitioners have failed to identify any clear ministerial duty that could be remedied by issuance of a writ of mandate. They note, among other things, that California law provides that local law enforcement officials have discretion to cooperate with federal immigration authorities "only" where permitted by the California Values Act (Gov. Code, § 7284 et seq.) and "if doing so would not violate any federal, state, or local law, or local policy." (*Id.*, § 7282.5, subd. (a).) Outside of these limitations, respondents argue, the law preserves substantial discretion for state and local custodial officials to consider multiple factors in determining whether to provide assistance to federal immigration authorities in any particular case.

The petition establishes no clear and mandatory duty on the part of the Governor and the Attorney General to take the requested action. The petition for writ of mandate is therefore denied. The denial is, however, without prejudice to the institution of any action for writ of mandate or prohibition against responsible authorities with respect to conduct that may unnecessarily expose inmates in their custody to significant risks to their health and safety. Such claims may be brought in the superior courts of appropriate counties.

For any such filing, the superior court should be mindful of a range of procedural tools to achieve prompt and effective resolution of the matter. Those tools include the authority to:

- join all parties necessary for full inquiry into the issues raised and for development and implementation of any appropriate relief (Code Civ. Proc., § 389, subd. (a));
- consolidate the action with any similar actions pending in the court, in the interest of efficiency and in light of public health concerns (Code Civ. Proc., § 1048, subd. (a));
- transfer and consolidate matters across counties upon a motion by any party when such transfer and consolidation would promote efficient utilization of judicial resources and otherwise satisfy applicable standards (Code Civ. Proc., §§ 403, 404.1);
- assign a single bench officer or appoint one or more referees or special masters to bring swift and focused attention to the issues raised (Cal. Rules of Court, rule 3.734; Code Civ. Proc., §§ 638, 639);
- facilitate discussion among all parties to achieve a negotiated resolution that is responsive to local conditions and avoids protracted litigation;
- order interim relief, as appropriate, during the pendency of the action; and
- give the matter expedited consideration for evidentiary hearings, briefing, and any joint discussions for resolution.

In all such matters, the superior court is to proceed as expeditiously as possible and to be mindful that conditions associated with COVID-19 in detention facilities and local communities are continually evolving. Given the dynamic nature of the pandemic, yet cognizant of the ongoing federal litigation targeting alleged deficiencies at immigration detention facilities, the denial of the petition is without prejudice to the filing of a new petition in this court raising similar claims if circumstances warrant.

The request for judicial notice is granted as to exhibits 19, 25, 82, and 89.

The request for judicial notice regarding “government records” is granted as to exhibits 1, 2, 4, 6, 7, 9, 11, 12, 15 through 18, 39, 41, 52-1, 54-1, 54-4, 66, 68, 76, 79, 80-1, 80-2, 80-3, 80-4, 80-5,

80-6, 80-7, 80-9, 80-10, and 88. Judicial notice is granted only concerning the existence, but not the accuracy, of factual allegations or findings made in these documents.

The request for judicial notice regarding “court filings” is granted as to exhibits 27, 29, 30, 31, 37, 42, 50, 52-2, 61, 90 through 94. Judicial notice is granted only concerning the existence, but not the accuracy, of factual allegations or findings made in these documents.

The request for judicial notice regarding various newspaper articles is granted as to exhibits 10, 20, 21, 24, 28, 33, 35, 36, 40, 43, 44, 47, 48, 49, 62, 84, and 86. Judicial notice of these materials is granted concerning only the fact that these materials were published and not concerning the factual statements contained therein.

Chief Justice

DISSENTING STATEMENT

BY LIU, J.

Petitioners in this mandamus proceeding allege that respondents, the Governor and the Attorney General, have acted with deliberate indifference to the health and safety of California’s prison and jail inmates by allowing the ongoing transfer of inmates to federal immigration detention facilities during the COVID-19 pandemic. According to petitioners, these facilities have unsanitary conditions, do not allow for social distancing, and lack resources to treat infected inmates who become seriously ill. Petitioners seek a writ of mandate ordering respondents to impose a moratorium on all such transfers.

Article VI, section 10 of the California Constitution grants this court original jurisdiction in mandamus. As a prudential matter, we exercise such jurisdiction “only in cases in which ‘the issues presented are of great public importance and must be resolved promptly.’” (*San Francisco Unified School Dist. v. Johnson* (1971) 3 Cal.3d 937, 944.) If there is any case where exercising our mandamus jurisdiction is appropriate, this is it. The petition alleges time-sensitive, critical health concerns on behalf of persons in state and local custody, and raises legal issues of obvious statewide importance. Since we received this petition on April 24, 2020, a detainee at the Otay Mesa Detention Center in San Diego County became the first person in federal immigration custody to die of COVID-19 complications. (Santana & Shoichet, *First ICE detainee dies from coronavirus* (May 6, 2020) CNN.) If petitioners’ allegations are true, more deaths will surely follow. We should retain this matter, issue an order to show cause, appoint a factfinder if necessary, and promptly resolve the issues presented.

The 1,900 pages of exhibits and declarations accompanying the petition include detailed documentation of the United States Immigration and Customs Enforcement’s (ICE) failures in providing basic protections against COVID-19 at its five detention facilities in California.

Petitioners allege that social distancing, which is critical to preventing the spread of COVID-19, is impossible given the physical confines of the facilities and the number of individuals detained in them. According to petitioners, the facilities house dozens of detainees in a single dormitory-style unit with bunk beds no more than one meter apart. Detainees are often required to be in close proximity with one another as they share dining areas, bathrooms, recreational spaces, and medical units.

Moreover, petitioners allege that ICE has taken no meaningful action to reduce its detention center populations and continues to defy the guidance of federal health authorities. (See U.S. Centers for Disease Control and Prevention, Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (Mar. 23, 2020) (CDC Guidance).) In multiple facilities, detainees have no regular access to gloves, masks, hand sanitizer, or even soap. At the Otay Mesa Detention Center, petitioners allege, officials withheld facemasks from detainees unless they signed a waiver releasing the officials from responsibility if they contracted COVID-19. Many who have experienced COVID-19 symptoms have not been treated. Meanwhile, ICE continues to book new detainees into custody and to transfer detainees between detention centers without recommended quarantine procedures or protocols to screen detainees and staff for symptoms of COVID-19.

Respondents acknowledge that these allegations are “serious and alarming.” In fact, they have raised the same concerns themselves. In an April 13, 2020 letter to the U.S. Department of Homeland Security (DHS), the Attorney General urged the agency to release detainees who pose no risk to public safety and to “halt the introduction of new detainees to immigration detention facilities” in California. (Atty. Gen. Xavier Becerra, letter to Acting Secretary of Homeland Security Chad F. Wolf, April 13, 2020, p. 4 (Attorney General Letter).) Based on “comprehensive reviews” of these facilities, the Attorney General “encountered many individuals whose medical conditions place them at a higher risk for developing serious illness from COVID-19.” (*Id.* at p. 1.) In the words of the Attorney General: “I am aware that the physical plants, custody and staffing patterns, and health care systems in immigration detention do not allow for social distancing practices and that additional practices such as improved sanitation, screening, and halting the admission of new detainees are needed to prevent transmission of the virus. Further, the facilities in question in California do not appear to have the healthcare resources required to treat infected detainees who become seriously ill. Failure to use your discretion to decrease the detainee population as much as possible and improve sanitation and COVID-19 screening practices for those detainees that remain will not only harm civil immigration detainees, but will overwhelm community hospitals to which those detainees will necessarily be transferred for treatment. . . . Urgent action is required to prevent our country’s immigration detention system from causing countless unnecessary deaths.” (*Ibid.*)

And yet, according to petitioners, state and local officials continue to notify ICE of inmate release dates and to facilitate the transfer of inmates to ICE from state prisons and county jails, populating the very detention centers that the Attorney General has called on ICE to depopulate. By some evidence, California’s prisons and jails have become the primary source of new detainees to some of these facilities in California, as ICE has limited the intake of detainees from other sources

during the pandemic. These transfers continue, petitioners allege, even as the CDC has specifically urged the “restrict[ion of] transfers of incarcerated/detained persons to and from other jurisdictions and facilities unless necessary for medical evaluation, medical isolation/quarantine, clinical care, extenuating security concerns, or to prevent overcrowding.” (CDC Guidance, *supra*, at p. 9.)

A writ of mandate may be issued “by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station.” (Code Civ. Proc., § 1085.) Respondents’ primary argument is that a writ of mandate cannot issue to control the Governor’s or the Attorney General’s exercise of discretion in a particular manner. They contend that petitioners have identified no ministerial duty on the part of the Governor or Attorney General to impose a moratorium on the transfer of California inmates to federal immigration detention centers. Today’s order denies the petition based on an assertion that “[t]he petition establishes no clear and mandatory duty on the part of the Governor and the Attorney General to take the requested action.”

But that assertion does not address the crux of petitioners’ claim or the scope of this court’s mandamus authority. It is true that a writ of mandate will “usually” issue to compel an official to perform a ministerial duty. (*Santa Clara County Counsel Attys. Assn. v. Woodside* (1994) 7 Cal.4th 525, 539–540.) And I agree that the relief petitioners seek is likely not grounded in any ministerial duty, meaning “an obligation to perform a specific act in a manner prescribed by law whenever a given state of facts exists, without regard to any personal judgment as to the propriety of the act.” (*People v. Picklesimer* (2010) 48 Cal.4th 330, 340.) But that is not the limit of our mandamus authority. We may also issue the writ “to compel a public agency’s performance or correct an agency’s abuse of discretion whether the action being compelled or corrected can itself be characterized as ‘ministerial’ or ‘legislative.’ ” (*Woodside*, at p. 540; see *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432, 442 (*Common Cause*) [“[M]andamus will lie to correct an abuse of discretion by an official acting in an administrative capacity.”]; *Landsborough v. Kelly* (1934) 1 Cal.2d 739, 744; *Inglis v. Hoppin* (1909) 156 Cal. 483, 491; see also 8 Witkin, Cal. Procedure (5th ed. 2020) Writs § 95, [use of mandamus to control abuse of discretion].) On numerous occasions, this court and the Courts of Appeal have found it appropriate to issue a writ of mandate to control abuses of discretion by public officials. (See e.g., *Clean Air Constituency v. Cal. State Air Resources Bd.* (1974) 11 Cal.3d 801, 819; *In re Veterans’ Industries, Inc.* (1970) 8 Cal.App.3d 902, 925–927; *Baldwin-Lima-Hamilton Corp. v. Superior Court* (1962) 208 Cal.App.2d 803, 824; *Munns v. Stenman* (1957) 152 Cal.App.2d 543, 551.)

Moreover, we have signaled that official acts or omissions in violation of constitutional limits will constitute an abuse of discretion. For example, in *Wilson v. Eu* (1991) 54 Cal.3d 471 (*Eu*), this court exercised its original jurisdiction to issue an alternative writ of mandate appointing three special masters to hold hearings and recommend a reapportionment plan to the court if the Governor and Legislature failed to resolve their impasse and enact a plan in time for the 1992 election. (*Id.* at pp. 473–475.) We found it appropriate to issue the writ to “ ‘ “[e]nsure the electorate equal protection of the laws.” ’ ” (*Id.* at p. 473; see *Jolicoeur v. Mihaly* (1971) 5 Cal.3d 565, 570, fn. 2 [“Mandamus is . . . appropriate for challenging the constitutionality or validity of

statutes or official acts.”). Our decision implied that the Governor’s and Legislature’s failure to enact a reapportionment plan would constitute an abuse of discretion by denying Californians their constitutional right to equal representation. (*Eu*, at p. 473.)

The relevant question, therefore, is not whether the Governor and Attorney General have a ministerial duty to order a moratorium on ICE transfers. It is whether the Governor and Attorney General have abused their discretionary authority over California prisons and jails by demonstrating deliberate indifference to the health and safety of inmates in allowing their continued transfer to ICE detention centers.

The due process clause of the Fourteenth Amendment to the United States Constitution prohibits state officials from acting with deliberate indifference to a detained individual’s health and safety. (*Lemire v. Cal. Dept. of Corrections and Rehabilitation* (9th Cir. 2013) 726 F.3d 1062, 1075; see *Farmer v. Brennan* (1994) 511 U.S. 825, 843 (*Farmer*) [Eighth Amendment is violated when “prison officials, acting with deliberate indifference, expose[] a prisoner to a sufficiently substantial ‘risk of serious damage to his future health’ ”]; *Castro v. County of Los Angeles* (9th Cir. 2016) 833 F.3d 1060, 1067 [due process rights of civil detainees are at least as great as Eighth Amendment rights of prisoners].) State officials can be liable for deliberate indifference if they place or leave an individual “ ‘in a situation that was more dangerous than the one in which they found him.’ ” (*Kennedy v. City of Ridgefield* (9th Cir. 2006) 439 F.3d 1055, 1062, quoting *Munger v. City of Glasgow Police Dept.* (9th Cir. 2000) 227 F.3d 1082, 1086.) Placing an individual who is under the government’s control into objectively unsafe conditions created by a third party constitutes deliberate indifference to the individual’s health and safety. (See *Hernandez v. City of San Jose* (9th Cir. 2018) 897 F.3d 1125, 1138 [police action “shepherd[ing] [people] into a violent crowd of protesters” and blocking off other exits is sufficient to establish deliberate indifference]; *Doe ex rel. Johnson v. S.C. Dept. of Soc. Services* (4th Cir. 2010) 597 F.3d 163, 175 [due process prohibits state agency from “mak[ing] a foster care placement that is deliberately indifferent to the child’s right to personal safety and security”]; *Cortes-Quinones v. Jimenez-Nettleship* (1st Cir. 1988) 842 F.2d 556, 560 (opn. of Breyer, J.) [prison official acted with deliberate indifference to inmate’s safety under Eighth Amendment when he transferred a mentally ill inmate to a crowded jail that was known for violence].) And an official may be held liable for acquiescing to the constitutional violations of those over whom the official has supervisory control. (See *Starr v. Baca* (9th Cir. 2011) 652 F.3d 1202, 1208 [sheriff could be held liable for knowing acquiescence to the unconstitutional prison policies and customs of the county]; *Dubner v. City & County of San Francisco* (9th Cir. 2001) 266 F.3d 959, 968 [similar].)

At the core of the question presented is whether the Governor or Attorney General, as opposed to the custodians of state prisons or county jails who are directly responsible for making ICE notification and transfer decisions, owe any legal duty to the prison or jail inmates who are subject to those decisions. Petitioners contend that respondents’ duty arises from their supervisory authority. With respect to prison inmates, the Governor has “complete authority” over the California Department of Corrections and Rehabilitation during the current state of emergency. (Gov. Code, § 8627.) With respect to county jail inmates, petitioners point to article V, section 13 of the California Constitution, which says: “The Attorney General shall have direct supervision

over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices” Further, in their informal opposition, respondents acknowledge they have broad authority to direct state and local agencies under the Emergency Services Act (Gov. Code, § 8550 et seq.). According to petitioners, the Governor and Attorney General have ample authority to direct how custodial officials make ICE notification and transfer decisions — yet respondents, by allowing transfers to continue unabated during this public health crisis, have failed to give adequate consideration to the grave risks posed by such transfers in violation of due process of law.

The Governor and Attorney General counter that their broad authority in this context does not give rise to any corresponding legal duty and, further, that due process requires “a complex balancing of competing interests.” According to respondents, “there are a number of case-specific factors that may be relevant to the necessary balancing of interests, including the conditions and practices at a specific detention facility, the State’s particular interest in assisting with federal immigration enforcement efforts, the detainee’s health and medical history, and the amount of time the detainee is likely to spend at the detention facility.” But respondents do not indicate whether they are *actually* considering a number of competing interests when making such decisions or how they *actually* go about balancing such interests. There is no mention of official or unofficial criteria, the process actually used, or which officials at what level make the decisions. Most telling, respondents make no assertion that state or local officials are actually considering, as one of the competing interests, the risk that inmates will contract the virus and become seriously ill in ICE detention facilities — a risk that the Attorney General has recognized as serious enough to “caus[e] countless unnecessary deaths.” (Attorney General Letter, *supra*, at p. 1.)

So, even if the court is correct that respondents have no clear duty to grant petitioners’ requested relief (i.e., a moratorium on transfers), the analysis does not end there. Petitioners’ central claim is that respondents’ present conduct amounts to deliberate indifference to inmates’ health and safety in violation of due process. If this claim succeeds, nothing would prevent us from ordering appropriate relief. (*Lockyer v. City and County of San Francisco* (2004) 33 Cal.4th 1055, 1113 [“As a general matter, the nature of the relief warranted in a mandate action is dependent upon the circumstances of the particular case, and a court is not necessarily limited by the prayer sought in the mandate petition but may grant the relief it deems appropriate.”].) An appropriate remedy could recognize that although respondents have discretion to balance competing interests in their approach to transfers, it is an abuse of discretion not to consider COVID-19 risk as one important factor, and mandamus will lie to “correct [that] abuse of discretion.” (*Common Cause*, *supra*, 49 Cal.3d at p. 442.) Such a mandate would not impermissibly control the exercise of lawful discretion; it would instead require state officials to “exercise [their discretion] under a proper interpretation of the applicable law.” (*Ibid.*) Although consideration of COVID-19 risk might make a difference to transfer decisions in certain cases, that consideration could be outweighed in other cases, including cases where public safety considerations support transfer of dangerous individuals. This court is fully capable of crafting a proper mandate that does not intrude on the lawful discretion of the Governor and Attorney General.

But we need not get ahead of ourselves. At this stage, we have a petition, an informal response, a reply, and a formidable submission of exhibits and declarations in support of the claim that respondents have demonstrated deliberate indifference to the health and safety of California's jail and prison inmates. There is a substantial legal question as to whether respondents, in light of their supervisory authority over state and local officials, have a corresponding duty to ensure that ICE notification and transfer decisions are made in conformity with due process of law. At this point, I cannot confidently say what the answer is. What I can say is that the question is urgent and important, and this court should answer it, whatever the answer may be.

Accordingly, I would issue an order directing respondents to show cause why they have not acted with deliberate indifference to the health and safety of California inmates in allowing the continued transfer of those inmates to ICE detention centers. To the extent that factual development is needed, this court may appoint a referee or special master. (See, e.g., *Eu, supra*, 54 Cal.3d at p. 473.) Unlike the factual inquiry we recently considered in *National Association of Criminal Defense Lawyers v. Newsom*, petition denied May 4, 2020, S261827, which involved conditions at scores of jails and juvenile facilities in 15 or more counties, the factual inquiry in this case principally concerns the conditions at the five ICE facilities in California, which seems a manageable task.

Respondents' contention that they are "poorly situated to substantiate or contest Petitioner's factual allegations" is unpersuasive. In his April 13, 2020 letter to DHS, the Attorney General detailed serious concerns about conditions in ICE facilities "[b]ased on the California Department of Justice's comprehensive reviews of six facilities and tours of all other detention facilities in California where immigrants are held pending their immigration proceedings." (Attorney General Letter, *supra*, at p. 1.) This appears to be a reference to the Attorney General's comprehensive 147-page review of conditions in ICE facilities, published in February 2019. (Dept. of Justice, Review of Immigration Detention in California (Feb. 2019).) The Attorney General conducted this review pursuant to Government Code section 12532, which requires the Attorney General to periodically inspect, make findings, and publicly report on immigration detention facilities in California, including "the conditions of confinement" and "the standard of care . . . provided." (Gov. Code, § 12532, subd. (b)(1)(A), (B).) This statute further states: "The Attorney General, or his or her designee, shall be provided all necessary access for the observations necessary to effectuate reviews required pursuant to this section, including, but not limited to, access to detainees, officials, personnel, and records." (*Id.*, subd. (c).) The Attorney General has successfully defended his prerogatives under this provision as to subdivisions (b)(1)(A) and (b)(1)(B) against arguments that they violate intergovernmental immunity and federal preemption. (*U.S. v. California* (9th Cir. 2019) 921 F.3d 865, 873.) In light of his positions in federal court and in public, it is quite remarkable that the Attorney General now purports to be at a loss as to "how Respondents should go about verifying these wide-ranging allegations in this suit." If anything, respondents are in a better position than petitioners to obtain access to the facilities, detainees, officials, and documents that are relevant to this petition.

Instead of affording the parties a full opportunity to be heard, the court today denies the petition on the ground that respondents have no clear duty to halt all transfers. "The denial is, however,

without prejudice to” the filing of similar claims “against responsible authorities” “in the superior courts of appropriate counties.” This disposition leaves much to be desired for several reasons.

The first is the undeniable urgency and statewide importance of the issues presented. (See *California Redevelopment Assn. v. Matosantos* (2011) 53 Cal.4th 231, 253 [“We will invoke our original jurisdiction where the matters to be decided are of sufficiently great importance and require immediate resolution.”].) Simply put, it is our job to decide issues like the ones presented in this petition — not only whether respondents have a duty to impose a moratorium on transfers, but more fundamentally whether respondents have a duty in this context to act without deliberate indifference to inmates’ health and safety. To the extent there is some question whether petitioners’ claims are cognizable in an original mandamus action, that is not an obstacle to our thorough and swift consideration of the matter. (See *Vandermost v. Bowen* (2012) 53 Cal.4th 421, 441 & fn. 15 [original mandate proceeding in which the court’s order to show cause “established an extremely expedited briefing schedule” and “expressly reserv[ed] resolution of the threshold question of jurisdiction for our eventual written decision”].) We are in a state of emergency. We can and should, without delay, give all sides a full hearing and provide a reasoned opinion answering the questions presented.

Second, I do not see why it makes sense to refer these claims to “the superior courts of appropriate counties” when the main factual issues concerning the five ICE detention facilities in California would be the same no matter where the claims are filed. This seems like a recipe for duplicative litigation. Moreover, in light of current public health conditions and the urgency of petitioners’ claims, I am doubtful that the superior courts, which have been heavily impacted and burdened by the pandemic, are better positioned than this court to resolve the matter now before us.

Third, to the extent that today’s order suggests we should wait and see what happens in “ongoing federal litigation targeting alleged deficiencies at immigration detention facilities,” this misunderstands petitioners’ claims. Petitioners and other advocates are litigating on all fronts, to be sure. But whatever relief they may obtain against federal officials in terms of improving conditions at ICE facilities, their principal claim here is that *California’s* approach to ICE notification and transfers exacerbates the COVID-19 risk in those facilities and does not meet constitutional standards. Indeed, California’s ongoing transfer of inmates to ICE facilities may well undermine any relief that the federal courts provide.

I fear that today’s order will unnecessarily delay resolution of issues with potentially dire consequences for inmates, correctional staff, the health care system, and our state as a whole. In response to the pandemic, the Judicial Council has said that “[t]he continuous operation of our courts is essential for our constitutional form of government, for providing due process and protecting the public.” (Judicial Council of California, Statewide Emergency Order (Mar. 30, 2020).) In order to serve these vital purposes, it is incumbent upon us not only to maintain continuous operation but also to fully engage and resolve claims as important as those asserted in this petition.

Finally, it bears mention that “[t]he courts . . . have a special obligation to protect the rights of prisoners.” (*Hudson v. Palmer* (1984) 468 U.S. 517, 557 (conc. & dis. opn. of Stevens, J.); see *Turner v. Safley* (1987) 482 U.S. 78, 84 [“Prison walls do not form a barrier separating prison inmates from the protections of the Constitution.”].) “The Constitution ‘does not mandate comfortable prisons,’ but neither does it permit inhumane ones” (*Farmer, supra*, 511 U.S. at p. 832, citation omitted; see *id.* at p. 833 [“[H]aving stripped [inmates] of virtually every means of self-protection and foreclosed their access to outside aid, the government and its officials are not free to let the state of nature take its course.”].) The deliberate indifference standard does not require a petitioner “seeking ‘a remedy for unsafe conditions [to] await a tragic event . . . before obtaining relief.’ ” (*Id.* at p. 845.) These observations carry particular force during the present state of emergency, as it is evident that the burdens of the pandemic do not fall equally upon all.

The warning signs could not be more clear. (See Winton, *70% of inmates test positive for coronavirus at Lompoc federal prison*, L.A. Times (May 9, 2020).) We should act with an urgency that befits the current crisis. Petitioners contend that the Governor and Attorney General bear responsibility for the substantial risk of serious harm that ICE transfers pose to persons in state and local custody; respondents disclaim any legal duty to mitigate that risk. We owe it to the parties and the public to resolve the heart of this matter.

LIU, J.

S262029

**DREVALEVA (TATYANA E.)
v. COURT OF APPEAL,
FIRST APPELLATE
DISTRICT, DIVISION FOUR
(ALAMEDA HEALTH
SYSTEM)**

Petition for writ of mandate/prohibition & application for stay denied

S257264

**PHILLIPS, JR., (ERIC
JEROME) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S257293

CRECY (ANTOINE) ON H.C.

Petition for writ of habeas corpus denied

S257305

**HERNANDEZ (DAVID) ON
H.C.**

Petition for writ of habeas corpus denied

S257326

Petition for writ of habeas corpus denied

**GARCIA (PEDRO AVILA) ON
H.C.****S257418**

Petition for writ of habeas corpus denied

**CORCHON (JORDAN) ON
H.C.****S258190**

The request for judicial notice is denied. The petition for writ of habeas corpus is denied.

**WILLIAMS (ERNEST L.) ON
H.C.****S259537**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 Palmer*, S256149.**REECE (CHARLES G.) ON
H.C.****S259631**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 Palmer*, S256149.**REESE (NORRIS LARUE) ON
H.C.****S259646**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 Palmer*, S256149.**DORTON (JASON P.) ON H.C.****S259722**

Petition for writ of habeas corpus denied

**SNEED (DONNIE KAY) ON
H.C.****S259878**

Petition for writ of habeas corpus denied

**SIMMONS (DEVILLE) ON
H.C.**

S259881**TAYLOR (JERRY LYNN) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S259885**RODRIGUEZ (MICHAEL
ELIJAH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].) Individual claims are denied, as applicable. (See *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

S260055**MICHAL (ANDRES LARA)
ON H.C.**

Petition for writ of habeas corpus denied

S260204**KRENWINKEL (PATRICIA)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S260211**WOODS (COREY) ON H.C.**

Petition for writ of habeas corpus denied

S260311**CLOSNER (LESLIE) ON H.C.**

Petition for writ of habeas corpus denied

S260349**TORRES (SERGIO) ON H.C.**

Petition for writ of habeas corpus denied

S260350**LISTER (JOSEPH E.) ON H.C.**

Petition for writ of habeas corpus denied

S260426**LATHAN (RICHARD) 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 Palmer*, S256149.

S260450**GARDEA, JR., (RAUL) ON
H.C.**

Petition for writ of habeas corpus denied

S260484**BETTENCOURT (ROGER A.)
ON H.C.**

Petition for writ of habeas corpus denied

S260523**CHAVIS, SR., (REGINALD)
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 Palmer*, S256149.

S260524**FOND (PHILIP) ON H.C.**

Petition for writ of habeas corpus denied

S260525**JOHNSON (GERALD
RAYMOND) 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 Palmer*, S256149.

S260538**HASAN (CLARENCE NIMAR)
ON H.C.**

Petition for writ of habeas corpus denied

S260539**GARCIA (LENIN) ON H.C.**

Petition for writ of habeas corpus denied

S260542**FRAZER (DANIEL EUGENE)
ON H.C.**

The petition for writ of habeas corpus is denied. Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *In re Lessard* (1965) 62 Cal.2d 497, 503 [courts will not entertain habeas corpus claims that raise Fourth Amendment violations]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S260543**LEE (JOHN HENERY) ON
H.C.**

Petition for writ of habeas corpus denied

S260560**FECTEAU (RICHARD
HENRI) ON H.C.**

Petition for writ of habeas corpus denied

S260566**HARPER (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

S260567**WOODS (RICKY DESHAN)
ON H.C.**

Petition for writ of habeas corpus denied

S260568**TAYLOR (RICHARD J.) ON
H.C.**

Petition for writ of habeas corpus denied

S260575**VALVERDE (ALEJANDRO)
ON H.C.**

Petition for writ of habeas corpus denied

S260576**DAVIS (RA'HASAN
HA'KEEM) ON H.C.**

Petition for writ of habeas corpus denied

S260609**RAMESES (ROBERT) 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 Milton*, S259954.

S260645**NORTON (JOHNNY) ON H.C.**

Petition for writ of habeas corpus denied

S260646**MAGEE (RUCHELL
CINQUE) ON H.C.**

Petition for writ of habeas corpus denied

S260652**McDANIELS (ALPACINO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

S260653**HUNTER (HAROLD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S260656**HARPER (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

S260657**WILLIAMS (ANTHONY
JAMES) ON H.C.**

Petition for writ of habeas corpus denied

S260659**WASHINGTON, SR.,
(DONALD X.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S260668**GOMEZ (JEFFREY KEVIN)
ON H.C.**

Petition for writ of habeas corpus denied

S260693**WASHINGTON, SR.,
(DONALD X.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S260696**WASHINGTON, SR.,
(DONALD X.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S260699**VILLA (ALFRED) ON H.C.**

Petition for writ of habeas corpus denied

S260700**GODFREY (JOSHUA
MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

S260703**SEARCY (WILLIAM
TIMOTHY) ON H.C.**

Petition for writ of habeas corpus denied

S260704**NEVELS (ROMAINE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S260708**TAYLOR (JERRY LYNN) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S260710**FRANCO (CESAR) 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 Palmer*, S256149.

S260712**GREEN (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

S260713**SHIELDS (PAUL ANDREW)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].) Individual claims are denied, as applicable. (See *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

S260720**THOMAS, JR., (BOBBY) 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 Palmer*, S256149.

S260729**THOMAS (HOSH DEION) ON
H.C.**

Petition for writ of habeas corpus denied

S260732**BROOKINS (BARRY LEE)
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 Mohammad*, S259999.

S260829**VILLALPANDO (ALBERTO)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S260830**HANSEN (BRYAN SCOTT)
ON H.C.**

Petition for writ of habeas corpus denied

S260834**HICKS (RICK L.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].)

S260835**JOHNSON (DERRICK L.) ON
H.C.**

Petition for writ of habeas corpus denied

S260837**JOHNSON (HERBERT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Villa* (2009) 45 Cal.4th 1063, 1066 [habeas corpus relief is unavailable where the petitioner is not in the custody of California authorities as a result of the challenged conviction].)

S261238**HARPER (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S261287**JOHNSON (DERRICK L.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S261291**ANDERSON (SHAWN R.) 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. Raybon*, S256978.

S261356**JOHNSON (DERRICK L.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S261607**HARPER (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S261608**HARPER (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

S261645

Petition for writ of habeas corpus denied

**HOMICK (ROBERT T.) ON
H.C.****S260774** F075930 Fifth Appellate District

Publication request denied (case closed)

**TANGUMA (YVETTE M.) v.
LAW OFFICES OF LES
ZIEVE****S260919** A157998 First Appellate District, Div. 3

Depublication request denied (case closed)

**BECERRA (XAVIER) v. S.C.
(FIRST AMENDMENT
COALITION)**

The requests for an order directing the depublication of the opinion in the above-entitled appeal are denied. The court declines to review this matter on its own motion. The matter is now final.

S261094 B290379 Second Appellate District, Div. 4

Publication request denied (case closed)

**CANYON CREST
CONSERVANCY v. COUNTY
OF LOS ANGELES (KUHN)****S261326** B297382/B297726 Second Appellate District, Div. 5 **IN RE J.W.**

Publication request denied (case closed)

S261380 B297021 Second Appellate District, Div. 5

Publication request denied (case closed)

**JACK (MARY) v. CITY OF
LOS ANGELES (925 MARCO
PLACE, LLC)****S261390** G055180/G055225 Fourth Appellate District, Div. 3 **NIKKEL (DIANA) v.**

Publication request denied (case closed)

**SEASONS HOSPICE &
PALLIATIVE CARE OF
CALIFORNIA, LLC**

S182232**PEOPLE v. EVANS
(CHRISTOPHER)**

Extension of time granted

Based upon counsel Wesley A. Van Winkle's representation that the appellant's opening brief is anticipated to be filed by June 3, 2020, an extension of time in which to serve and file that brief is granted to June 3, 2020. After that date, no further extension is contemplated.

S261187 A158523 First Appellate District, Div. 5
Extension of time granted**OCHOA (JOSEPH) ON H.C.**

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to May 18, 2020.

S260237**PEOPLE v. GARCIA
(EDWARD)**

Counsel appointment order filed

Upon request of appellant Manuel Alvarez, Jr., for appointment of counsel, Athena Shudde is hereby appointed to represent appellant on the appeal now pending in this court.

S260237**PEOPLE v. GARCIA
(EDWARD)**

Counsel appointment order filed

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

S260624 B288172 Second Appellate District, Div. 3**PEOPLE v. THOMAS
(LAVON TEVELL)**

Counsel appointment order filed

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

S260936 C086572 Third Appellate District**PEOPLE v. TARDY (DAMIEN LEE)**

Counsel appointment order filed

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

S261029 C087771 Third Appellate District**PEOPLE v. GAMBOA (RALPH HUERTA)**

Counsel appointment order filed

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

S004257**PEOPLE v. STANKEWITZ (DOUGLAS RAY)**

Motion for access to sealed record granted

Douglas Ray Stankewitz's "Motion for Confidential Transcript of August 31, 1978, In Camera Hearing," filed on March 16, 2020, is granted. The Clerk is directed to provide a copy of the Sealed Transcript of the August 31, 1978, in camera hearing to counsel for Stankewitz. Counsel must not release or cause to be released the sealed transcript or information contained therein to anyone other than counsel's agents without a prior order of this court.

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

Motion for access to sealed record granted

Respondent's "Application for Copy of Sealed Transcripts of Marsden Hearings," filed on February 11, 2020, is granted. The Clerk is directed to provide to respondent a copy of the following: (1) Reporter's Transcript Volume 22, pages 2302-2309; and (2) Reporter's Transcript Volume 24, pages 2943-2948.

S208209**PEOPLE v. BURRIS (NATHAN)**

Motion for access to sealed record granted

Respondent's "Application for Access to Sealed Transcripts," filed on February 13, 2020, is granted. The Clerk is directed to provide to respondent a copy of the following: (1) Reporter's Transcript Volume I, pages 113-119; and (2) "Reporter's Transcript of Sealed Marsden Motion

Hearing February 29, 2012,” pages 9-20.

S185810

**PEOPLE v. THREATS
(DERLYN RAY)**

Order filed

The application of the Superior Court of San Diego County for an extension of time to prepare, certify for accuracy and send the record as corrected to the California Supreme Court, filed on May 5, 2020, is granted.

The Superior Court of San Diego County is directed to complete and deliver the clerk’s and reporter’s transcripts on appeal pursuant to California Rules of Court, rule 8.622(e) on or before June 29, 2020.

S232568

**WALDON (BILLY RAY) ON
H.C.**

Motion to file document under seal granted

Respondent’s “Application to File Respondent’s Exceptions to the Referee’s Findings and Recommendations and Brief on the Merits Under Seal,” filed April 29, 2020, is granted. (Cal. Rules of Court, rule 8.46(g)(1).) The Clerk is directed to file under seal the unredacted “Respondent’s Exceptions to the Referee’s Findings and Recommendations and Brief on the Merits,” lodged conditionally under seal on April 29, 2020, and to publicly file the redacted “Respondent’s Exceptions to the Referee’s Findings and Recommendations and Brief on the Merits,” received April 29, 2020.

S254938

B290805 Second Appellate District, Div. 6

**B. (O.), CONSERVATORSHIP
OF**

Motion for judicial notice granted

The request for judicial notice by amicus curiae The Chamber of Commerce of the United States of America is granted in part and denied in part. The request is denied with regard to Exhibit A to the Declaration of Jeremy B. Rosen and the request is granted with regard to Exhibit B to this declaration.

S260995

B304150 Second Appellate District, Div. 8

**ACADEMY CENTER 90274,
LLC v. S.C. (KOKUBU)**

Order filed

The time for granting or denying review in the above-entitled matter is hereby extended to July 1, 2020. This order is entered nunc pro tunc as of March 3, 2020.

S260997 A153307 First Appellate District, Div. 4**WILLIAMS (EARLINE) v. 21st
MORTGAGE
CORPORATION**

Order filed

The time for granting or denying review in the above-entitled matter is hereby extended to June 30, 2020. This order is entered nunc pro tunc as of March 2, 2020.

S261007 A153511 First Appellate District, Div. 2**JENSEN (GARTH) v.
iSHARES TRUST**

Order filed

The time for granting or denying review in the above-entitled matter is hereby extended to July 1, 2020. This order is entered nunc pro tunc as of March 3, 2020.

S261071 A152093 First Appellate District, Div. 2**THIMON (DESTINY) v. CITY
OF NEWARK**

Order filed

The time for granting or denying review in the above-entitled matter is hereby extended to July 2, 2020. This order is entered nunc pro tunc as of March 6, 2020.

S261250 B264944 Second Appellate District, Div. 1**WILSON (STANLEY) v.
CABLE NEWS NETWORK,
INC.**

Order filed

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2020. This order is entered nunc pro tunc as of March 16, 2020.

S261526

Petition denied

(accusation)

ACCUSATION OF COWAN**S261532**

Petition denied

(accusation)

ACCUSATION OF TOOSI

S260909**NASMYTH ON DISCIPLINE**

Recommended discipline imposed

The court orders that PETER R. NASMYTH (Respondent), State Bar Number 195067, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 24, 2020; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on January 24, 2020. 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 Respondent's annual fees for each of the years 2021 and 2022. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S260910**ZHANG ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that QIN ZHANG (Respondent), State Bar Number 225324, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys. Respondent must 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.

S260922**BOHN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JEFFREY DAVID BOHN (Respondent), State Bar Number 243870, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- (1) Elaine Parker-Reed in the amount of \$20,950 plus 10 percent interest per year from September 4, 2015; and
- (2) Monte Reed in the amount of \$2,031.72 plus 10 percent interest per year from September 4, 2015.

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

Respondent 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.

S260924**CHAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that CAROLYN ROSE CHAN (Respondent), State Bar Number 147978, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 22, 2020; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on January 22, 2020. 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 Respondent's annual fees for each of the years 2021, 2022, and 2023. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining

balance is due and payable immediately.

S260927**HAROWITZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEVEN DAVID HAROWITZ (Respondent), State Bar Number 128496, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 30 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 15, 2020; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on January 15, 2020. 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.

S261239**VEJAR ON DISCIPLINE**

Recommended discipline imposed

The court orders that ERIKA VEJAR (Respondent), State Bar Number 255755, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 3, 2020; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on February 3, 2020. 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 Respondent's annual fees for each of the years 2021 and 2022. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S261241**SALEM ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that NABIL R. SALEM (Respondent), State Bar Number 264355, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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

S261244**HOFFMAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that NATHAN V. HOFFMAN (Respondent), State Bar Number 135155, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and Respondent is placed on probation for four years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first three years of probation (with credit for the period of interim suspension beginning May 14, 2018), and Respondent will remain suspended until providing proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 15, 2020.
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Decision filed on January 15, 2020. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent 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.

Respondent must also maintain the records of compliance as required by the conditions of probation.

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.

S261245**LIOSI ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEPHEN JOSEPH LIOSI (Respondent), State Bar Number 181959, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to Richard Stearns, or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$1,945 plus 10 percent interest per year from November 28, 2017. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Respondent 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.

S262012**BALLARD ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT ALLAN BALLARD, State Bar Number 110885, as an attorney of the State Bar of California is accepted.

S262015**BANKS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JIM L. BANKS, State Bar Number 124492, as an attorney of the State Bar of California is accepted.

S262021**BAUSANO ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of VINCENT BAUSANO, State Bar Number 130912, as an attorney of the State Bar of California is accepted.

S262041**BECCAR-VARELA ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GABRIEL BECCAR-VARELA, State Bar Number 118025, as an attorney of the State Bar of California is accepted.

S262042**BISTANY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LAWRENCE JOSEPH BISTANY, State Bar Number 75846, as an attorney of the State Bar of California is accepted.

S262043**BLASCOVICH ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RALPH S. BLASCOVICH, State Bar Number 105064, as an attorney of the State Bar of California is accepted.

S262044**CAPLOE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMIE CAPLOE, State Bar Number 129932, as an attorney of the State Bar of California is accepted.

S262045**CZAJKOWSKI ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DARCIE DANIELLE CZAJKOWSKI, State Bar Number 272761, as an attorney of the State Bar of California is accepted.

S262046**DANTO ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ALLISON MARLENE DANTO, State Bar Number 159029, as an attorney of the State Bar of California is accepted.

S262047**DENNETT ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DEBRA LEIGH DENNETT, State Bar Number 262173, as an attorney of the State Bar of California is accepted.

S262111**ROCHELLE ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT DOUGLAS ROCHELLE, State Bar Number 105163, as an attorney of the State Bar of California is accepted.

S262113**RYAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANNE SPRIGHTLEY RYAN, State Bar Number 142517, as an attorney of the State Bar of California is accepted.

S262115**SAAL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of FREDERICK NEIL SAAL, State Bar Number 169921, as an attorney of the State Bar of California is accepted.

S262119**SCHILLER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARY ANN SCHILLER, State Bar Number 128415, as an attorney of the State Bar of California is accepted.

S262120**SCHROEDER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BRANDEN KEITH SCHROEDER, State Bar Number 211693, as an attorney of the State Bar of California is accepted.

S262139**SNYDERMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARK STEVEN SNYDERMAN, State Bar Number 155633, as an attorney of the State Bar of California is accepted.

S262141**SQUERI ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DORIS ANN SQUERI, State Bar Number 121222, as an attorney of the State Bar of California is accepted.

S262143**STONE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SCOT STONE, State Bar Number 144334, as an attorney of the State Bar of California is accepted.

S262144**TROWELL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ELIZABETH ANN TROWELL, State Bar Number 135347, as an attorney of the State Bar of California is accepted.

S262145**WILSON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEVEN AUDIE WILSON, State Bar Number 111182, as an attorney of the State Bar of California is accepted.

S262147

WLODEK ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of STEVEN THADDEUS WLODEK, State Bar Number 199581, as an attorney of the State Bar of California is accepted.



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JUNE 2 and 3, 2020**

Due to the COVID-19 coronavirus pandemic and related public health directives from state and local authorities, the procedures specified by Administrative Orders Nos. 2020-3-13 (Mar. 16, 2020) and 2020-03-27 (March 27, 2020) apply. Counsel will appear remotely and courtroom seating for the press will be strictly limited to achieve appropriate distancing. The public will continue to have access to argument via live-streaming on the judicial branch website: <http://www.courts.ca.gov/>.

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 June 2 and 3, 2020.

TUESDAY, JUNE 2, 2020 — 9:00 A.M.

- (1) Protecting Our Water & Environmental Resources et al. v. County of Stanislaus et al., S251709
- (2) Gund (James) et al. v. County of Trinity et al., S249792
- (3) United Auburn Indian Community of the Auburn Rancheria v. Newsom (Gavin C.), as Governor, S238544
(*Groban, J., not participating, Fybel, J., assigned justice pro tempore.*)

1:30 P.M.

- (4) B.B., a Minor, etc., et al. v. County of Los Angeles et al., S250734
- (5) People v. Peterson (Scott Lee), [Automatic Appeal], S132449
- (6) People v. Duong (Anh The) [Automatic Appeal], S114228

WEDNESDAY, JUNE 3, 2020 — 9:00 A.M.

- (7) Ixchel Pharma, LLC v. Biogen, Inc., S256927
- (8) Reilly (Kerrie) v. Marin Housing Authority, S249593
- (9) People v. Morales (Alfonso Ignacio), [Automatic Appeal], S136800

1:30 P.M.

- (10) People v. Suarez (Arturo Juarez), [Automatic Appeal], S105876

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).)