

**SUPREME COURT MINUTES  
THURSDAY, NOVEMBER 6, 2014  
SAN FRANCISCO, CALIFORNIA**

**S211708**      B247196 Second Appellate District, Div. 7      **TEAL (BENNIE JAY) v. S.C.  
(PEOPLE)**

Opinion filed: Affirmed in part, reversed in part

We reverse the Court of Appeal's judgment relating to the procedural issue of appealability, insofar as it treated petitioner's appeal as a petition for writ of mandate rather than a proper appeal. We affirm the judgment in all other respects.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Baxter, Werdegarr, Corrigan, Liu, and Robie\*, JJ.

\* Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**S222416**      A143329 First Appellate District, Div. 1      **SHONE (EVAN) v. S.C.  
(FERRARI NORTH  
AMERICA INC.)**

Petition for review & application for stay denied

**S097558**      **PEOPLE v. GARTON (TODD  
JESSE)**

Extension of time denied

Appellant's request for relief from default and request for extension of time to file the reply brief are denied.

**S105403**      **PEOPLE v. CHHOUN (RUN  
PETER) & PAN (SAMRETH  
SAM)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Louis W. Karlin's representation that the respondent's brief is anticipated to be filed by February 3, 2015, counsel's request for an extension of time in which to file that brief is granted to January 5, 2015. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S118384****PEOPLE v. MELENDEZ  
(ANGELO MICHAEL)**

Extension of time granted

Good cause appearing, and based upon counsel Saor E. Stetler's representation that the appellant's reply brief is anticipated to be filed by September 15, 2015, counsel's request for an extension of time in which to file that brief is granted to January 2, 2015. After that date, only five further extensions totaling about 255 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S120382****PEOPLE v. SANCHEZ  
(VINCENT HENRY)**

Extension of time granted

Good cause appearing, and based upon counsel Michael R. Snedeker's representation that the appellant's opening brief is anticipated to be filed by February 1, 2015, counsel's request for an extension of time in which to file that brief is granted to January 5, 2015. After that date, only one further extension totaling about 30 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

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

Extension of time granted

Good cause appearing, and based upon counsel Ronald F. Turner's representation that the appellant's opening brief is anticipated to be filed by February 15, 2015, counsel's request for an extension of time in which to file that brief is granted to January 5, 2015. After that date, only one further extension totaling about 44 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S134792****PEOPLE v. HUGHES  
(MERVIN RAY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 2, 2015.

**S152463****PEOPLE v. HILL (IVAN J.)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 13, 2015.

**S161781****PEOPLE v. THOMAS (JUSTIN  
HEATH)**

Extension of time granted

Good cause appearing, and based upon counsel John L. Staley's representation that the appellant's opening brief is anticipated to be filed by January 15, 2015, counsel's request for an extension of time in which to file that brief is granted to December 29, 2014. After that date, only one further extension totaling about 16 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S166315****WILSON (ANDRE GERALD)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Xiomara Costello's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 10, 2015, counsel's request for an extension of time in which to file that document is granted to January 6, 2015. After that date, only one further extension totaling about 63 additional days is contemplated.

**S169750****PEOPLE v. McGHEE  
(TIMOTHY J.)**

Extension of time granted

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

Good cause appearing, and based upon counsel Patrick Morgan Ford's representation that the appellant's opening brief is anticipated to be filed by March 1, 2015, counsel's request for an extension of time in which to file that brief is granted to December 24, 2014. After that date, only one further extension totaling about 68 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S170001****PEOPLE v. WATTA  
(BENJAMIN WAYNE)**

Extension of time granted

Good cause appearing, and based upon counsel Jonathan P. Milberg's representation that the appellant's opening brief is anticipated to be filed by March 8, 2015, counsel's request for an extension of time in which to file that brief is granted to January 8, 2015. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

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

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 6, 2015.

**S175663****PEOPLE v. JONES (STEVEN ANTHONY)**

Extension of time granted

Good cause appearing, and based upon counsel David P. Lampkin's representation that the appellant's opening brief is anticipated to be filed by January 29, 2016, counsel's request for an extension of time in which to file that brief is granted to January 5, 2015. After that date, only seven further extensions totaling about 390 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S198132****PEOPLE v. FAYED (JAMES MICHAEL)**

Extension of time granted

Good cause appearing, and based upon counsel Kelly C. Quinn's representation that the appellant's reply brief is anticipated to be filed by November 2, 2015, counsel's request for an extension of time in which to file that brief is granted to January 5, 2015. After that date, only five further extensions totaling about 304 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S214543****EDWARDS (ROBERT MARK) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Sara M. Cohbra's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 15, 2015, counsel's request for an extension of time in which to file that document is granted to January 13, 2015. After that date, only five further extensions totaling about 275 additional days are contemplated.

**S215727**      D059007 Fourth Appellate District, Div. 1      **PEOPLE v. LOWE (JUSTIN SAMUEL)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to December 5, 2014.

Based on the representation of Lise S. Jacobson, counsel for respondent, that she will not request further extensions of time, no further such extensions are contemplated.

**S218591**      **McCLAIN (ALEX MARQUIS) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to the informal response is extended to December 3, 2014.

**S218962**      **YORK (KENNETH) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to December 8, 2014.

**S219052**      B245959 Second Appellate District, Div. 1      **MONTEBELLO, CITY OF v. VASQUEZ (ROSEMARIE)/ (ARAKELIAN ENTERPRISES, INC.)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to December 5, 2014.

**S220280**      H039825 Sixth Appellate District      **IN RE A.S.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to December 8, 2014.

**S220339****FUIAVA (FREDDIE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Thomas C. Hsieh's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 2, 2015, counsel's request for an extension of time in which to file that document is granted to January 6, 2015. After that date, only one further extension totaling about 55 additional days is contemplated.

**S215265****PARKER (CLAY) v. STATE  
OF CALIFORNIA**

Application to appear as counsel pro hac vice granted

The application of Paul D. Clement for admission pro hac vice to appear on behalf of amicus curiae National Rifle Association of America, Inc., is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S215265****PARKER (CLAY) v. STATE  
OF CALIFORNIA**

Application to appear as counsel pro hac vice granted

The application of Lawrence G. Keane for admission pro hac vice to appear on behalf of amicus curiae National Shooting Sports Foundation, Inc., is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S215265****PARKER (CLAY) v. STATE  
OF CALIFORNIA**

Application to appear as counsel pro hac vice granted

The application of Stephen P. Halbrook of the State of Virginia, for admission pro hac vice to appear on behalf of amicus curiae, Gun Owners of California, Inc., is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S215265****PARKER (CLAY) v. STATE  
OF CALIFORNIA**

Application to appear as counsel pro hac vice granted

The application of Dan M. Peterson for admission pro hac vice to appear on behalf of amici curiae Western States' Sheriffs' Association, et al., is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S052808****PEOPLE v. GAMACHE  
(RICHARD CAMERON)**

Order appointing Habeas Corpus Resource Center filed

Upon request of condemned inmate Richard Cameron Gamache for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent Richard Cameron Gamache for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any “petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed ... within 36 months” of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1 ), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal. 4th 750, 774-782), in light of this court’s delay in appointing habeas corpus/executive clemency counsel on behalf of condemned inmate Richard Cameron Gamache.

**S186360****PEOPLE v. RODRIGUEZ  
(ANTONIO)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Sharon Fleming is hereby appointed to represent appellant Antonio Rodriguez for the direct appeal in the above automatic appeal now pending in this court.

**S196994****BOOKER (RICHARD  
LONNIE) ON H.C.**

Motion for access to sealed record granted

Respondent’s “Motion for Access to Sealed Penal Code Section 987.9 Materials Filed in Case Number S080550,” filed on September 19, 2014, is granted. The Clerk is directed to provide respondent access to the materials filed under seal in the record on appeal in *People v. Booker*, No. S080550, pursuant to Penal Code section 987.9: “Sealed Supplemental Clerk’s Transcript, 987.9 and 987.3 Billing Statements, Volumes 1 through 6, pages 1 to 1523”; and “Reporter’s Transcript of 987.9 Proceedings,” held February 27, 1997, pages 1-6. The Attorney General must supply the personnel and equipment necessary to undertake the examination and copying of these documents, which must occur on the premises of the court. Except as provided herein, these documents remain under seal and their use must be limited solely to the pending proceedings. (Pen. Code § 987.9, subd. (d).)

**S022998****PEOPLE v. TOWNSEL  
(ANTHONY LETRICE)**

Order filed

Good cause appearing, appellant’s “application for leave to file supplemental briefing on court’s request longer than 2,800 words,” filed November 4, 2014, is granted.

**S033975****PEOPLE v. COMBS  
(MICHAEL STEPHEN)**

Order filed

The “Application for Release of Files, Records and Confidential Materials,” filed on September 19, 2014, is granted. Counsel for appellant, the Federal Public Defender for the Central District of California, is granted access to the materials in the records of *People v. Combs*, No. S033975, and *In re Combs on Habeas Corpus*, No. S134705, including all of the sealed and confidential materials. Counsel must supply the personnel and equipment necessary to undertake the review and copying of the records, which must occur on the court’s premises. Counsel must not release or cause to be released any of the sealed or confidential material or any of the information contained therein to anyone other than counsel’s agents without a prior order of this court.

**S218400**

B243800 Second Appellate District, Div. 2

**IN RE TRANSIENT  
OCCUPANCY TAX CASES**

Order filed

Regarding petitioner’s application to file under seal an unredacted version of its opening brief, filed on October 15, 2014, the parties are advised the court is considering whether to unseal on its own motion, and augment the record to include, those portions of the sealed administrative record in this matter that do not reveal consumers’ identities in order to obviate the filing under seal of unredacted versions of the briefs. (Cal. Rules of Court, rules 8.46(e)(3), 8.120(a)(2) & 8.155.) The parties are directed to serve and file simultaneous letter briefs addressing these matters within 15 days of the date of this order, and may serve and file simultaneous letter briefs in response within 15 days thereafter. Further briefing in this matter pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Fourth Appellate District, Div. 2

**TRANSFER ORDERS**

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division One:

- |     |         |   |
|-----|---------|---|
| 1.  | E058800 | People v. Brian Figge   |
| 2.  | E059394 | People v. Adan Dominguez  |
| 3.  | E059319 | People v. Charles Long  |
| 4.  | E060583 | People v. Robert Velasco  |
| 5.  | E060099 | People v. Thomas Durnin   |
| 6.  | E059882 | People v. Dayveon Lasley et al.   |
| 7.  | E058536 | DMF Trucking v. Colmac Energy Inc., et al.                              |
| 8.  | E060444 | Frank Flethez v. San Bernardino County Employees Retirement Association |
| 9.  | E060550 | Nejat Kohan v. Pacifica L39, LLC  |
| 10. | E060824 | Spanish Inn, Inc., et al. v. Ralph Goodell et al.                       |



**BAR MISC. 4186    IN THE MATTER OF THE APPLICATION OF THE COMMITTEE  
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA  
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,173)**

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

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