

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 29, 2016
SAN FRANCISCO, CALIFORNIA**

S238462**PEYTON (LEE EDWARD) v.
S.C. (PEOPLE)**

Vexatious litigant application denied

The application of petitioner for leave to file Petition for Writ of Mandate is hereby denied.

S238515**THORNTON (WILLIAM
CECIL) v. S.C. (PEOPLE)**

Vexatious litigant application denied

The application of petitioner for leave to file Petition for Writ of Mandate is hereby denied.

S087569**PEOPLE v. SANCHEZ (JUAN)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender's representation that the appellant's reply brief is anticipated to be filed by July 28, 2017, counsel's request for an extension of time in which to file that brief is granted to January 27, 2017. After that date, only three further extensions totaling about 181 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).)

S121365**SNOW (PRENTICE JUAN) ON
H.C.**

Extension of time granted

An application of petitioner and good cause appearing, it is ordered that the time to serve and file the traverse to return to the order to show cause is extended to January 24, 2017.

S136171**PEOPLE v. WESSON
(MARCUS DELON)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Kathleen A. McKenna's representation that the respondent's brief is anticipated to be filed by May 26, 2017, counsel's request for an extension of time in which to file that brief is granted to January 30, 2017. After that date, only two further extensions totaling about 117 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).)

S174232

PEOPLE v. KEMP (DARRYL THOMAS)

Extension of time granted

Good cause appearing, and based upon counsel William D. Farber's representation that the appellant's opening brief is anticipated to be filed by December 31, 2017, counsel's request for an extension of time in which to file that brief is granted to January 10, 2017. After that date, only six further extensions totaling 356 additional days will be granted. Counsel is ordered to inform his assisting attorney or entity of this schedule and to take all steps necessary to meet it.

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).)

S174709

PEOPLE v. SARINANA (CATHY LYNN) & SARINANA (RAUL RICARDO)

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Anne W. Lackey's representation that the appellant Cathy Lynn Sariñana's opening brief is anticipated to be filed by September 25, 2017, counsel's request for an extension of time in which to file that brief is granted to January 3, 2017. After that date, only five further extensions totaling about 265 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).)

S176413

PEOPLE v. DENT (ANTHONY R.)

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Carl N. Henry's representation that the supplemental respondent's brief is anticipated to be filed by January 20, 2017, counsel's request for an extension of time in which to file that brief is granted to January 20, 2017. After that date, no further extension is contemplated.

S184521**PEOPLE v. DUNN (AARON
NORMAN)**

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 30, 2017.

S185201**PEOPLE v. ALDANA
(ROMAN GABRIEL)**

Extension of time granted

Good cause appearing, and based upon counsel Patricia A. Scott's representation that the appellant's opening brief is anticipated to be filed by July 31, 2017, counsel's request for an extension of time in which to file that brief is granted to January 17, 2017. After that date, only four further extensions totaling about 194 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).)

S185447**ROLDAN (RICARDO) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Rama R. Maline's representation that the return to the order to show cause is anticipated to be filed by January 25, 2017, counsel's request for an extension of time in which to file that document is granted to January 25, 2017. After that date, no further extension is contemplated.

S196185**PEOPLE v. MACIAS
(ARMANDO)**

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 30, 2017.

S203655**PEOPLE v. GREEN (EARL
ELLIS)**

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 27, 2017.

S218247**LANCASTER (MARCUS) 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 supplemental informal response is extended to December 9, 2016.

S221802**DUFF (DEWEY JOE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Marylou Hillberg's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by February 13, 2017, counsel's request for an extension of time in which to file that document is granted to January 17, 2017. After that date, only one further extension totaling about 27 additional days will be granted.

S224701**LEWIS (KEITH ALLEN) ON
H.C.**

Extension of time denied

Petitioner Keith Allen Lewis's request for extension of time to file the reply to the informal response to the petition for writ of habeas corpus is denied.

S229111**BELL (MICHAEL LEON) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Gary B. Wells's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 31, 2017, counsel's request for an extension of time in which to file that document is granted to January 17, 2017. After that date, only two further extensions totaling about 75 additional days are contemplated.

S232218

B259665 Second Appellate District, Div. 5

**PEOPLE v. HICKS (MARVIN
TRAVON)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to December 12, 2016.

S235415**KENNEDY (JERRY NOBLE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Alice Su's representation that

the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 30, 2017, counsel's request for an extension of time in which to file that document is granted to January 30, 2017. After that date, only one further extension totaling about 58 additional days is contemplated.

S235419 B265256 Second Appellate District, Div. 8 **CARETTO (PAUL ANTHONY) v. S.C. (PEOPLE)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to December 16, 2016.

S235715 **PEARSON (KEVIN DARNELL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Conrad Petermann's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 27, 2017, counsel's request for an extension of time in which to file that document is granted to January 30, 2017. After that date, only one further extension totaling about 57 additional days is contemplated.

S236728 B260774 Second Appellate District, Div. 4 **PEOPLE v. FRIERSON (JAMES BELTON)**

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 23, 2016.

S237175 B264861 Second Appellate District, Div. 4 **ACE AMERICAN INSURANCE COMPANY v. FIREMAN'S FUND INSURANCE COMPANY**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 13, 2017.

S238069 C083080 Third Appellate District **BURNWORTH (GAYLE) v. S.C. (REHFELDT)**

Extension of time granted

On application of petitioners and good cause appearing, it is ordered that the time to serve and file the reply to the answer to petition for review is extended to December 5, 2016.

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

Application to appear as counsel pro hac vice granted

The application of Shay Dvoretzky for admission pro hac vice to appear on behalf of respondent Jones Day is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S237417

B265798 Second Appellate District, Div. 5

**PEOPLE v. RODRIGUEZ
(GUSTAVO)**

Counsel appointment order filed

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

S237587

C080123 Third Appellate District

**PEOPLE v. HUBERT (KEVIN
LLOYD)**

Counsel appointment order filed

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

S154459**PEOPLE v. TURNER
(CHESTER DEWAYNE)**

Order filed

Appellant's "Application for Permission to File Supplemental Opening Brief," filed November 17, 2016, is granted. The supplemental respondent's brief should be served and filed within 30 days of the filing of this order. Any reply by the appellant should be served and filed within 30 days of the filing of the supplemental respondent's brief.

S238320**CANCHOLA (WILLIAM
LINARES) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S238345**MAGANA (DAVID) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division One

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

S226326**SALDANA ON DISCIPLINE**

Probation revoked

The court orders that the probation of VICTOR SALDANA, State Bar Number 256119, is revoked. The court further orders that:

VICTOR SALDANA is suspended from the practice of law for a minimum of one year (with credit given for the period of involuntary inactive enrollment which commenced on July 1, 2016), and will remain suspended until the following conditions are satisfied:

- i. VICTOR SALDANA makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the Fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Loretta and Kenneth Aparicio in the amount of \$3,000 plus 10 percent interest per year from August 17, 2012; and
 - (2) Felipe Sanchez in the amount of \$5,000 plus 10 percent interest per year from April 28, 2011.
- ii. VICTOR SALDANA must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
- iii. If VICTOR SALDANA remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

VICTOR SALDANA must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S237296**HUBBARD III ON
DISCIPLINE**

Recommended discipline imposed

The court orders that LYNN HUBBARD III, State Bar Number 69773, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. LYNN HUBBARD III is suspended from the practice of law for a minimum of the first year of probation, and he will remain suspended until he provides proof to the State Bar Court of his 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. LYNN HUBBARD III must also comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on August 4, 2016.
3. At the expiration of the period of probation, if LYNN HUBBARD III has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

LYNN HUBBARD III must also take and pass the Multistate Professional Responsibility Examination within one year of the effective date of this order, or during the period of his suspension, whichever is longer, and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

LYNN HUBBARD III must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S237300**HOOVER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JOHN KEITH HOOVER, State Bar Number 71259, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

JOHN KEITH HOOVER 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.

S237341**SCHUH ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KRISTIN MARIE SCHUH, State Bar Number 241554, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

KRISTIN MARIE SCHUH 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.

S237342**SPENCER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that AMY LYNN SPENCER, State Bar Number 248069, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

AMY LYNN SPENCER must make restitution to Tracy Larson in the amount of \$1,850 plus 10 percent interest per year from April 1, 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).

AMY LYNN SPENCER 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.

S237344**TAMMAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID MARSH TAMMAN, State Bar Number 175916, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

DAVID MARSH TAMMAN 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.

S237345**POLLOCK ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CHARLES MAX POLLOCK, State Bar Number 193818, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

CHARLES MAX POLLOCK 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.

S237346**PAK ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAMES JUNKUL PAK, State Bar Number 178278, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

JAMES JUNKUL PAK 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.

S237347**MODLIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DELBERT JOE MODLIN, State Bar Number 131265, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

DELBERT JOE MODLIN 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.