

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 23, 2019
SAN FRANCISCO, CALIFORNIA**

S130495**MASTERS (JARVIS J.) ON
H.C.**

Rehearing denied

S146939**PEOPLE v. CAPERS (LEE
SAMUEL)**

Rehearing denied; opinion modified

**ORDER MODIFYING OPINION AND DENYING PETITION FOR REHEARING
THE COURT:**

The opinion in this matter filed on August 8, 2019, and appearing at 7 Cal.5th 989, is modified as follows:

1. In the first paragraph on page 1006, delete the third full sentence reading, “Another letter was sent to Griego in October 2003, in which Renteria again retracted her statements implicating both men, claiming she was on drugs when she made them, ‘not in [her] right state of mind,’ and the statements were not true.” As modified, the sentence now reads:

In an interview with Griego in October 2003, Renteria again retracted her statements implicating both men, claiming she was on drugs when she made them, “not in [her] right state of mind,” and the statements were not true.

2. In at the first paragraph on page 1010, delete the sentence reading, “Renteria’s decision not to testify, upheld by the court, did not deny defendant the right to present a defense.” As modified, the sentence now reads:

Renteria’s decision not to testify, upheld by the court, did not deny defendant the right to present a defense nor his Eighth Amendment right to have the jury hear all mitigating evidence at the penalty phase.

3. In the first full paragraph on page 1012, delete the fourth sentence reading, “Even though the statute of limitations had passed on Renteria’s initial alleged lie to Detective Griego in 1999, it had not passed when she allegedly lied in her second retraction letter of 2003.” As modified, the sentence now reads:

Even though the statute of limitations had passed on Renteria's initial alleged lie to Detective Griego in 1999, it had not passed when she allegedly lied in her second retraction of 2003.

These modifications do not affect the judgment.

The petition for rehearing is denied.

S241812 B265747 Second Appellate District, Div. 3

**VORIS (BRETT) v. LAMPERT
(GREG)**

Petition for rehearing & request(s) for modification denied

S257431 C085232 Third Appellate District

**PEOPLE v. BARRERA
(ROBERTO ESCOBAR)**

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. Gentile*, S256698 (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.

S257744 H042678 Sixth Appellate District

**PEOPLE v. ANTUNA
(JOSEPH)**

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. Barton*, S255214, and *People v. Stamps*, S255843 (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.

S167166

**ROMERO (GERARDO) ON
H.C.**

Order to show cause issued, returnable in Superior Court

This petition for writ of habeas corpus was filed in this court on October 1, 2008, and amended on January 21, 2010, and February 24, 2012, before the effective date of Proposition 66, the "Death Penalty Reform and Savings Act of 2016." (See *Briggs v. Brown* (2017) 3 Cal.5th 808, 862, reh. 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 Secretary of the Department of Corrections and Rehabilitation is ordered to show cause in the Superior Court of California, County of Los Angeles, when the matter is placed on calendar, why the relief prayed for should not be granted on the grounds that: (1) petitioner is actually innocent, and (2) newly discovered evidence would have changed the outcome of his trial, as alleged in Claim 1 (see Pen. Code, § 1473(b)(3)); and (3) false evidence was introduced at petitioner's trial, as alleged in Claim 9 (see *id.*, § 1473, subd. (b)(1)). To the extent Claim 1 contends there was insufficient evidence at his trial to support petitioner's conviction, such a contention is not cognizable on habeas corpus. (*In re Lindley* (1947) 29 Cal.2d 709, 723.)

The return is to be filed on or before November 22, 2019.

All remaining claims in the petition are denied on the merits.

Claims 8, 11, 14, and 17, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225, to the extent they were raised and rejected on appeal.

Claim 8, except to the extent it alleges ineffective assistance of counsel, is procedurally barred under *In re Dixon* (1953) 41 Cal.2d 756, 759, to the extent it could have been raised on appeal but was not.

Claims 6 and 12, except to the extent they allege ineffective assistance of counsel, are procedurally barred under *In re Seaton* (2004) 34 Cal.4th 193, 201, to the extent they could have been raised in the trial court but were not.

Claim 30 is denied as premature, without prejudice to its renewal after an execution date is set.

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

S257497 B299548 Second Appellate District, Div. 7 **PEOPLE v. S.C. (FINK)**

Petition for review granted; transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to issue an alternative writ

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its order denying mandate and to issue an alternative writ.

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

S257532 D074139 Fourth Appellate District, Div. 1 **IN RE J.S.**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division One

The petition for review is granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (See Cal. Rules of Court, rule 8.528(d).)

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

S248606 D072420 Fourth Appellate District, Div. 1 **PEOPLE v. DREYFUS
(LIANNA)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S248786 E068256 Fourth Appellate District, Div. 2 **PEOPLE v. CERVANTES
(JOSE FRANCISCO)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S249256 A151254 First Appellate District, Div. 5 **IN RE JUAN R.**
Transferred to Court of Appeal, First Appellate District, Division Five, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division Five, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* ((2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S249262 D072269 Fourth Appellate District, Div. 1 **PEOPLE v. CARDENAS
(SANTIAGO)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S249294 A149922 First Appellate District, Div. 5 **IN RE O.R.**
Transferred to Court of Appeal, First Appellate District, Division Five, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division Five, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S249917 D072680 Fourth Appellate District, Div. 1 **PEOPLE v. MOHAMED (AMRAN)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S250388 E068495 Fourth Appellate District, Div. 2 **PEOPLE v. GILBERT (OLIVIA CHRISTINA)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S250592 A151914 First Appellate District, Div. 4 **PEOPLE v. GUERRERO (FABIOLA)**

Transferred to Court of Appeal, First Appellate District, Division Four, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division Four, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S250607 H045178 Sixth Appellate District **PEOPLE v. GONZALEZ**
(VICTOR JAVIER)

Transferred to Court of Appeal, Sixth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S250628 E068320 Fourth Appellate District, Div. 2 **PEOPLE v. SMITH**
(JENNIFER MARIE)

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S251075 E068713 Fourth Appellate District, Div. 2 **PEOPLE v. SVET (DENNIS**
ALLAN)

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S251690 F074468 Fifth Appellate District **PEOPLE v. SALINAS**
(MICHAEL)

Transferred to Court of Appeal, Fifth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S251708 C082497 Third Appellate District **PEOPLE v. ROBERTS
(JAMES)**

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S252722 A147813 First Appellate District, Div. 4 **IN RE TOMMY M.**

Transferred to Court of Appeal, First Appellate District, Division Four, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division Four, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S252822 E068755 Fourth Appellate District, Div. 2 **PEOPLE v. GOMEZ (LINDA
ANN)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S252932 H044392 Sixth Appellate District **PEOPLE v. SMITH (KEVAN
ACTON)**

Transferred to Court of Appeal, Sixth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S253162 E069751 Fourth Appellate District, Div. 2 **PEOPLE v. JACKSON
(DEONDRE MARQUISE)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S253645 F076985 Fifth Appellate District **IN RE HECTOR V.**

Transferred to Court of Appeal, Fifth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S253694 A153952 First Appellate District, Div. 2 **PEOPLE v. OBIE (JUSTIN
LOWELL)**

Transferred to Court of Appeal, First Appellate District, Division Two, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S253934 E068521 Fourth Appellate District, Div. 2 **PEOPLE v. GORDON
(RALPH)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S253952 E069430 Fourth Appellate District, Div. 2 **PEOPLE v. COLLINS
(CARLA ROSE)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S254134 D074294 Fourth Appellate District, Div. 1 **IN RE EDDIE P.**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S254163 F075285 Fifth Appellate District **PEOPLE v. REED (ROBERT
WILLIAM)**

Transferred to Court of Appeal, Fifth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S254226 F074952 Fifth Appellate District **DHILLON (MANMOHAN) v.
ANHEUSER-BUSCH, LLC**

Transferred to Court of Appeal, Fifth Appellate District, after hold

The matter is transferred to the Court of Appeal, Fifth Appellate District, with instructions to vacate its decision and to reconsider the cause in light of *Noel v. Thrifty Payless, Inc.* (2019) 7 Cal.5th 955. (Cal. Rules of Court, rule 8.528(d).)

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

S254249 D073240 Fourth Appellate District, Div. 1 **PEOPLE v. DELANO**
(THOMAS LEE)

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S254651 D074097 Fourth Appellate District, Div. 1 **PEOPLE v. MUNIZ**
(CHANTELLE)

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S254712 H045905 Sixth Appellate District **PEOPLE v. JOHNSTON**
(TAYLOR WADE)

Transferred to Court of Appeal, Sixth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S255628 B287487 Second Appellate District, Div. 6 **IN RE J.G.**

Transferred to Court of Appeal, Second Appellate District, Division Six, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S256070 D074100 Fourth Appellate District, Div. 1 **PEOPLE v. PASCUAL
(CLARIZA)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S256098 B290330 Second Appellate District, Div. 6 **IN RE C.S.**

Transferred to Court of Appeal, Second Appellate District, Division Six, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S256158 D073891 Fourth Appellate District, Div. 1 **PEOPLE v. STATIRAS
(PERICLES TERRANCE)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S256283 E067578 Fourth Appellate District, Div. 2 **PEOPLE v. SALCIDO (SARA
ARCELIA)**

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S256289 B280357 Second Appellate District, Div. 7 **PEOPLE v. MAGANA
(WUENDY M.)**

Transferred to Court of Appeal, Second Appellate District, Division Seven, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S256720 A155535 First Appellate District, Div. 2 **IN RE RICHARD V.**

Transferred to Court of Appeal, First Appellate District, Division Two, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S256810 A153524/A154186 First Appellate District, Div. 1 **IN RE ERIC B.**

Transferred to Court of Appeal, First Appellate District, Division One, after hold

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *In re Ricardo P.* (2019) 7 Cal.5th 1113. (Cal. Rules of Court, rule 8.528(d).)

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

S258634

**PERRY (MICHAEL
(MOSHE)) v. S.C. (DUPURE
INTERNATIONAL INC.)**

Vexatious litigant application denied

The application of petitioner for leave to file a petition for writ of mandate is hereby denied.

S258067

**PIERCE (CEDRIC) ON
CLEMENCY**

Letter sent to Governor with the recommendation required by article V, section 8 of the California Constitution for the Governor to grant a pardon

The Honorable Gavin Newsom
Governor State of California
State Capitol Building Sacramento, CA 95814

Cedric Pierce

Legal Affairs File No.: GO-2972-16 Case Number: S258067

Executive Clemency Number: 1189

Dear Governor Newsom:

On the application of Cedric Pierce for commutation of sentence, the court, with at least 4 judges concurring, hereby makes the recommendation required by Article V, section 8 of the California Constitution for the Governor to grant a commutation of sentence.

Sincerely,

Tani G. Cantil-Sakauye
Chief Justice of California

S256977 B284941 Second Appellate District, Div. 3

**PEOPLE v. THURMAN
(DONALD LEE)**

Petition for review denied

S257187 E069873 Fourth Appellate District, Div. 2

PEOPLE v. JONES (CARL)

Petition for review denied

S257229 G051787 Fourth Appellate District, Div. 3

**PEOPLE v. TOLEDANO
(JAMES)**

Petition for review denied; CA opinion decertified

The petition for review is denied.

On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed June 24, 2019, which appears at 36 Cal.App.5th 715. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(2).)

S257294 B290608 Second Appellate District, Div. 8

**LOMELI (ETHAN) v. STATE
DEPARTMENT OF HEALTH
CARE SERVICES**

Petition for review denied; CA opinion decertified

The petition for review is denied.

On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed June 25, 2019, which appears at 36 Cal.App.5th 817. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 8.1125(c)(2).)

S257346 E065254 Fourth Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. PHIPPS
(NAPOLEON DAJON)**

S257378 B286283 Second Appellate District, Div. 3

Petition for review denied
Chin, J., was recused and did not participate.

**JOHNSON & JOHNSON
TALCUM POWDER CASES**

S257455 E070094 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BRATTON
(BARBARA)**

S257457 B288338 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ATKINSON (ERIC
WILLIAM)**

S257479 G055491 Fourth Appellate District, Div. 3

Petition for review denied

**CLIPPER JET, INC. v. TYSON
(RANDALL)**

S257487 C086182 Third Appellate District

Petition for review & depublication request(s) denied

**SACRAMENTANS FOR FAIR
PLANNING v. CITY OF
SACRAMENTO (2500 J
OWNERS, LLC)**

S257499 F079647 Fifth Appellate District

Petition for review denied

**ANDERSON (DANNY
MUNDALL) v. S.C. (PEOPLE)**

S257527 C077689/C078733 Third Appellate District

Petition for review denied

**FAYEK (ABDEL-MOATY) v.
PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

S257528 D074703 Fourth Appellate District, Div. 1

**OXFORD PREPARATORY
ACADEMY v. CHINO
VALLEY UNIFIED SCHOOL
DISTRICT**

Petition for review denied; CA opinion decertified

The petition for review is denied.

The requests for an order directing depublication of the opinion are granted. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed July 11, 2019, which appears at 37 Cal.App.5th 413. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 8.1125(c)(1)).

S257545 F071640 Fifth Appellate District

**PEOPLE v. JOHNSON, JR.,
(BILLY RAY)**

Petition for review denied

S257555 G058057 Fourth Appellate District, Div. 3

**CANTER (CHARLES) v. S.C.
(PEOPLE)**

Petition for review denied

S257576 B290135 Second Appellate District, Div. 8

**PEOPLE v. FLORES
(SAMUEL ERNESTO)**

Petition for review denied

S257580 G056481 Fourth Appellate District, Div. 3

**MacPHEE (JAMES
MICHAEL) v. CHANES (LUIS
A.)**

Petition for review & publication request(s) denied

S257590 D076226 Fourth Appellate District, Div. 1

**GOODALL (TATJANA) v. S.C.
(WALT DISNEY PARKS &
RESORTS U.S., INC.)**

Petition for review denied

S257601 F075500/F076720 Fifth Appellate District

**PEOPLE v. FIERRO
(MARTIN)**

Petition for review denied

S257649 H044546 Sixth Appellate District

Petition for review denied

PEOPLE v. THOMAS (FRANK HILL)

S257662 H046157 Sixth Appellate District

Petition for review denied

**BONTILAO
(ARPRUBERTITO P.) v. S.C.
(BOARD OF PAROLE
HEARINGS)**

S257666 B276699/B280204 Second Appellate District, Div. 8 **JANE DOE v. DEPARTMENT
OF CHILDREN & FAMILY
SERVICES**

Petition for review denied

S257672 B289249 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ROBINSON
(LAWRENCE)**

S257692 F075468 Fifth Appellate District

Petition for review denied

**PEOPLE v. EMBRY (MONTY
DUAL)**

S257695 H045796 Sixth Appellate District

Petition for review denied

IN RE JONATHAN O.

S257697 C080816 Third Appellate District

The petition for review is denied, without prejudice to defendant's right to seek relief on remand under amended Penal Code section 667.5. (See Stats. 2019, ch. 590.)

**PEOPLE v. DIAZ III
(MICHAEL)**

S257698 D075139 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MARQUEZ
(JONATHAN)**

S257702 C086591/C086617 Third Appellate District

Petition for review denied

PEOPLE v. MASON (GARRY DEWAYNE)

S257734 G057877 Fourth Appellate District, Div. 3

Petition for review denied

PATEL UROLOGY v. S.C. (ILWU-PMA WELFARE PLAN)

S257754 H046491 Sixth Appellate District

Petition for review denied

IN RE J.P.

S257757 B287448 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. GRANDBERRY (ANTHONY TYVELL)

S257760 A155442/A155667 First Appellate District, Div. 1

Petition for review denied

IN RE A.B.

S257793 B285553 Second Appellate District, Div. 3

Petition for review denied

HOLLYWOODIANS ENCOURAGING RENTAL OPPORTUNITIES (HERO) v. CITY OF LOS ANGELES (MILLENNIUM SETTLEMENT CONSULTING/1850 NORTH CHEROKEE, LLC)

S257819 H045523 Sixth Appellate District

Petition for review denied

PEOPLE v. HILL (RODOLFO AMADO)

S257838 D074275 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. LLERENA (HENRY)

S257849 A153971 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. FISHER
(RUDOLPH)**

S257861 E073044 Fourth Appellate District, Div. 2

Petition for review denied

**SHOVEY (KAREN) v. S.C.
(COUNTY OF SAN
BERNARDINO)**

S257932 H046302 Sixth Appellate District
Petition for review denied

IN RE C.S.

S257937 G056165 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CAMPOS
(WUILLIAM CAZARES)**

S257938 B294099 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. RYAN (JOSEPH
KESSLER)**

S257940 E073108 Fourth Appellate District, Div. 2

Petition for review denied

**WRIGHT (FLOYD HOWARD)
v. S.C. (PEOPLE)**

S257969 G055549 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ZUNIGA (JOSE
ESTEBAN CARDENAS)**

S258002 A154836 First Appellate District, Div. 4

Petition for review denied

**JOHNSON (ETTA MAE) v.
HOUSING AUTHORITY OF
THE CITY OF OAKLAND**

S258005 A155017 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. TORRENCE
(WILLIE A.)**

S258007 B291188 Second Appellate District, Div. 4

Petition for review denied

**RED & WHITE
DISTRIBUTION, LLC v.
OSTEROID ENTERPRISES,
LLC**

S258011 B300144 Second Appellate District, Div. 7

Petition for review denied

**CARAVEO (FERNANDO) ON
H.C.**

S258013 A154189 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MALDONADO
(FERNANDO DAVID)**

S258015 A155602 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. GAINES
(HAROLD)**

S258029 A150210 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MAKANSKI
(TROY ABEN)**

S258030 B284182 Second Appellate District, Div. 3

Petition for review denied

**BARCLAY HOLLANDER
CORPORATION v.
CALIFORNIA REGIONAL
WATER QUALITY
CONTROL BOARD, LOS
ANGELES REGION (SHELL
OIL COMPANY)**

S258047 G056525 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. HERRERA
(FRANCISCO JAVIER PENA)**

S258048

Petition for writ of mandate/prohibition denied

**TAYLOR (MICHAEL
DOUGLAS) v. COURT OF
APPEAL, SECOND
APPELLATE DISTRICT,
DIVISION ONE (PEOPLE)****S258052**

B296442 Second Appellate District, Div. 8

Petition for review denied
The request for judicial notice is granted.**CERVANTES (ERMINDA) v.
LOUIS VUITTON U.S.
MANUFACTURING, INC.****S258054**

Petition for writ of mandate/prohibition denied

**PANIGHETTI (WESLEY) v.
S.C. (PEOPLE)****S258055**

B288072 Second Appellate District, Div. 2

Petition for review denied

**O'BRIEN (TIMOTHY) v.
AMBS DIAGNOSTICS, LLC****S258056**

B287036 Second Appellate District, Div. 2

Petition for review denied

**HADIPOUR (MEHRAN) v.
FARHANGI (FAYE)****S258059**

B291906 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. ANAYA (RUFINO)**S258078**

C086073 Third Appellate District

Petition for review denied

**PEOPLE v. WESLEY
(CLARENCE)****S258084**

F079386 Fifth Appellate District

Petition for review denied

**KING (OMAR KAHLIFE) ON
H.C.**

S258087 B288503 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. SETTLE
(RICHARD ALLEN)**

S258090 A151120 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. JACKSON
(MICHAEL)**

S258091 A154893 First Appellate District, Div. 1

Petition for review denied

PEOPLE v. G. (JEFFREY)

S258095 G055493 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ELKUS
(STANWOOD FRED)**

S258097 B300281 Second Appellate District, Div. 1

Petition for review denied

**CIOTTA (STEVEN ALLEN) v.
S.C. (PEOPLE)**

S258112 B296174 Second Appellate District, Div. 1

Petition for review denied

PEOPLE v. N. (SKY)

S255810

Petition for writ of habeas corpus denied

LaFLAMME (DON) ON H.C.

S256619

Petition for writ of habeas corpus denied

NEUMAN (BRIAN) ON H.C.

S257357

Petition for writ of habeas corpus denied

**GARCIA (VICTOR
HERNANDEZ) ON H.C.**

S257370**WILLIAMS (MATTHEW
BOEMAN) ON H.C.**

The petition for writ of habeas corpus is denied. (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].)

S257376**HANEY (BRUCE PATRICK)
ON H.C.**

Petition for writ of habeas corpus denied

S257398**TERRELL (DAMON) ON H.C.**

Petition for writ of habeas corpus denied

S257430

E069724 Fourth Appellate District, Div. 2

**HUNTER (LOVEY) v.
ANSCHUTZ
ENTERTAINMENT GROUP**

Publication request denied (case closed)

S257449

A152913 First Appellate District, Div. 1

**SAN FRANCISCO, CITY &
COUNTY OF v. PUBLIC
EMPLOYMENT RELATIONS
BOARD (TRANSPORT
WORKERS UNION OF
AMERICA, LOCAL 250)**

Publication request denied (case closed)

S257560

A156879 First Appellate District, Div. 3

**DEPARTMENT OF
ALCOHOL BEVERAGE
CONTROL v. ALCOHOLIC
BEVERAGE CONTROL
APPEALS BOARD (TRADER
JOES COMPANY)**

Publication request denied (case closed)

S257544 B288983 Second Appellate District, Div. 2**FEDERAL EXPRESS
VEHICLE COLLISION
CASES**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to October 22, 2019.

S027094**PEOPLE v. ELLIOTT
(MARCHAND)**

Order filed

Condemned inmate Marchand Elliott's "Motion to Review Files," filed on July 2, 2019, is granted in part and denied in part as follows. Elliott's counsel, the Federal Public Defender for the Central District of California, is granted access to the sealed and confidential materials contained in the record in *People v. Elliott* (S027094), except for "Jury Requests Re: Excusal from Jury Panel," Clerk's Transcript sealed volume 19, pages 2946-2951. The denial as to these items is without prejudice to filing a motion for access in the superior court. Elliott's motion is denied as unnecessary as to the records in *In re Elliott* (S192958) because those records do not contain any sealed or confidential documents.

Counsel must supply the personnel and equipment necessary to undertake the review and copying of the records to which access is granted. The review and copying must occur on the premises of the court. 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.

S211045**PEOPLE v. PEREZ
(CHRISTIAN)**

Motion to file document under seal granted

Appellant's counsel's application to file under seal the application to withdraw as counsel of record for the appeal is granted. The court makes the findings required by California Rules of Court, rule 8.46(d)(6). The Clerk is directed to file the "Unredacted Version: Application for Permission to Withdraw as Counsel," lodged conditionally under seal on June 20, 2019. The court will rule on the application to withdraw in due course.

S258701**D. (R.) 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.

S258014**ACCUSATION OF OSMAN**

Petition denied

(accusation)