

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 21, 2016
SAN FRANCISCO, CALIFORNIA**

S048763**PEOPLE v. NELSON (SERGIO
DUJUAN)**

Rehearing denied; opinion modified

THE COURT:

The majority opinion and the concurring and dissenting opinion in this matter filed on August 15, 2016, are modified as follows, and the petition for rehearing filed on August 30, 2016, is denied:

On page 2 of the majority opinion, in the sentence beginning “Nelson parked his bicycle,” the phrase “firing additional shots into the car” is replaced by the phrase “firing again into the car.”

On page 5 of the majority opinion, in the sentence beginning “Nelson walked back to the car,” the phrase “fired two or three more rounds into it” is replaced by the phrase “fired again into it.”

On pages 35 to 36 of the majority opinion, in the sentence beginning “To summarize,” the phrase “firing additional shots into the vehicle” is replaced by the phrase “firing again into the vehicle.”

On page 44 of the majority opinion, in the sentence beginning “After ensuring his victims were dead,” the word “them” is deleted.

On page 2 of Justice Corrigan’s separate opinion, in the sentence beginning “We also know from the testimony,” the phrase “returning to the car to shoot several more times” is replaced by the phrase “returning to the car to shoot again.”

These modifications do not change the judgment.

S102166**PEOPLE v. SIMON
(RICHARD NATHAN)**

Rehearing denied

S235412

C074801 Third Appellate District

**VASILENKO (ALEKSANDR)
v. GRACE FAMILY CHURCH**

Petition for review granted

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

S235735

B264493 Second Appellate District, Div. 1

**RAND RESOURCES, LLC v.
CITY OF CARSON**

Petition for review granted; issues limited

The petitions for review are granted. The issues to be briefed and argued by the parties are limited to the following: (1) Did plaintiffs’ causes of action alleging the breach of and interference with an exclusive agency agreement to negotiate the designation and development of

a National Football League (NFL) stadium and related claims arise out of a public issue or an issue of public interest within the meaning of Code of Civil Procedure section 425.16? (2) Did plaintiffs' causes of action arise out of communications made in connection with an issue under consideration by a legislative body? The requests for an order directing depublication of the opinion are denied.

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

S235968 A143233 First Appellate District, Div. 4 **HASELL (DAWN) v. BIRD
(AVA)/(YELP, INC.)**

Petition for review granted

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

S229938 H039931 Sixth Appellate District **PEOPLE v. PRADO, JR.,
(IGNACIO)**

Order filed: holding for new lead case

Further action in this matter is deferred pending consideration and disposition of a related issue in *In re Ricardo P.*, S230923 (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.

S236236 D069664 Fourth Appellate District, Div. 1 **HERNANDEZ (JUSTIN) 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. Valenzuela*, S232900 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236251 D068668 Fourth Appellate District, Div. 1 **PEOPLE v. SHEROW
(DOMINIQUE TERRELL)**

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. Gonzales*, S231171 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236270 F071926 Fifth Appellate District**PEOPLE v. BRISTOW
(DUSTIN CLAY)**

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. Valenzuela*, S232900 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236637 B255946 Second Appellate District, Div. 1**PEOPLE v. STUBBS
(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 a related issue in *People v. Valenzuela*, S232900 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236644 D068961 Fourth Appellate District, Div. 1**PEOPLE v. DORVAL
(JOSHUA)**

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. Valenzuela*, S232900 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236685 C079556 Third Appellate District**PEOPLE v. JEWKES (JAMES
JUSTIN)**

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. Buycks*, S231765 (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., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S236405 A148802 First Appellate District, Div. 1**PATEL (TEJAL) v. S.C.
(PATEL)**

Petition for review granted; transferred to Court of Appeal, First Appellate District, Division One, with directions to issue a writ of review

Petitioner's request for judicial notice is granted.

The petition for review is granted. The matter is transferred to the Court of Appeal, First Appellate District, Division One, with instructions to issue a writ of review to respondent Alameda County Superior Court in accordance with the provisions of Code of Civil Procedure section 1070 and 1071, and to decide the following questions upon the return of the writ, when the matter is ordered on calendar: (1) Was the petition for writ of certiorari timely filed in the Court of Appeal? (2) Did sufficient evidence support petitioner's convictions on counts 1 and 2 of the Order to Show Cause and Affidavit for Contempt filed November 14, 2013, in Alameda County Superior Court No. RF07358175? (3) Did the superior court improperly find petitioner guilty using a strict liability standard? (4) Did the superior court make the findings required for a judgment of contempt? (5) Did the superior court have the authority, statutory or otherwise, to place petitioner on probation?

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

S205260 E053499 Fourth Appellate District, Div. 2 **PEOPLE v. SCHAEFFER**
(SUSAN ANN)

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Two
Review in the above-captioned matter is hereby dismissed as moot. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S218640 E049095 Fourth Appellate District, Div. 2 **PEOPLE v. ARCHULETA**
(FRED EDWARD)

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Two
Review in the above-captioned matter, which was granted and held for *People v. Sanchez* (2016) 63 Cal.4th 665, is hereby dismissed. (Cal. Rules of Court, Rule 8.528(b).) Defendant's request for a stay or further briefing is denied.

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

S222638 G049172 Fourth Appellate District, Div. 3 **NETWORK CAPITAL**
FUNDING CORPORATION v.
PAPKE (ERIK)

Transferred to Court of Appeal, Fourth Appellate District, Division Three, after hold
Review in the above-captioned matter is transferred to the Court of Appeal, Fourth District, Division Three, for reconsideration in light of *Sandquist v. Lebo Automotive, Inc.* (2016) 1 Cal.5th 233. (Cal. Rules of Court, rule 8.528(d).)

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

S223722 H037353 Sixth Appellate District **PEOPLE v. SANCHEZ (GENE)**

Dismissed and remanded to Court of Appeal, Sixth Appellate District

Review in the above-captioned matter, which was granted and held for *People v. Sanchez* (2016) 63 Cal.4th 665, is hereby dismissed. (Cal. Rules of Court, Rule 8.528(b).)

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

S224592 B249979 Second Appellate District, Div. 7 **RIVERS (NAKIA) v.
CEDAR-SINAI MEDICAL
CARE FOUNDATION**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Seven

Review in the above-captioned matter is dismissed in light of this court's decision in *Sandquist v. Lebo Automotive, Inc.* (2016) 1 Cal.5th 233. (Cal. Rules of Court, rule 8.528(b).)

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

S225450 D066919 Fourth Appellate District, Div. 1 **UNIVERSAL PROTECTION
SERVICE, LP v. S.C.
(FRANCO)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division One

Review in the above-captioned matter is dismissed in light of this court's decision in *Sandquist v. Lebo Automotive, Inc.* (2016) 1 Cal.5th 233. (Cal. Rules of Court, rule 8.528(b).)

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

S225917 B254016 Second Appellate District, Div. 6 **PEOPLE v. CEREZO (JOE L.)**

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

Review in the above-captioned matter is transferred to the Second District Court of Appeal, Division Six, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S226265 A137763 First Appellate District, Div. 5 **PEOPLE v. OCHOA (JOSE
ANTONIO)**

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

Review in the above-captioned matter is transferred to the First District Court of Appeal, Division Five, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S226665 B245657 Second Appellate District, Div. 8 **PEOPLE v. MERAZ (JUAN RAMON)**

Transferred to Court of Appeal, Second Appellate District, Division Eight, after hold Review in the above-captioned matter is transferred to the Second District Court of Appeal, Division Eight, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S226812 C072642 Third Appellate District **PEOPLE v. VEGA (JOSE ANTONIO)**

Transferred to Court of Appeal, Third Appellate District, after hold Review in the above-captioned matter is transferred to the Third District Court of Appeal for reconsideration in light of the decisions in *People v. Sanchez* (2016) 63 Cal.4th 665 and *People v. Prunty* (2015) 62 Cal.4th 59. (Cal. Rules of Court, Rule 8.528(d).)

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

S226913 A137121 First Appellate District, Div. 1 **PEOPLE v. VEGA-ROBLES (JOSE)**

Transferred to Court of Appeal, First Appellate District, Division One, after hold Review in the above-captioned matter is transferred to the First District Court of Appeal, Division One, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S227611 H038879 Sixth Appellate District **PEOPLE v. ROSAS (MANUEL DE JESUS)**

Transferred to Court of Appeal, Sixth Appellate District, after hold Review in the above-captioned matter is transferred to the Sixth District Court of Appeal for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S228648 H038081 Sixth Appellate District **PEOPLE v. VILLAREAL (JOSE)**

Transferred to Court of Appeal, Sixth Appellate District, after hold Review in the above-captioned matter is transferred to the Sixth District Court of Appeal for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S229147 C074791 Third Appellate District**PEOPLE v. GOETHE
(ELIJAH)**

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

Review in the above-captioned matter is transferred to the Third District Court of Appeal for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S229442 C078557 Third Appellate District**UNIVERSAL PROTECTION
SERVICE, LP v. S.C.
(PARNOW)**

Dismissed and remanded to Court of Appeal, Third Appellate District

Review in the above-captioned matter is dismissed in light of this court's decision in *Sandquist v. Lebo Automotive, Inc.* (2016) 1 Cal.5th 233. (Cal. Rules of Court, rule 8.528(b).)

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

S229864 A132736/A139535 First Appellate District, Div. 3 **PEOPLE v. EBERHART
(MAJOR)**

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

Review in the above-captioned matter is transferred to the First District Court of Appeal, Division Three, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S230206 F066360/F066576 Fifth Appellate District**PEOPLE v. PALOMARES
(VICTOR MANUEL)**

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

Review in the above-captioned matter is transferred to the Fifth District Court of Appeal for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S230408 H039349 Sixth Appellate District**PEOPLE v. PEREZ (RAMON
ORTIZ)**

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

Review in the above-captioned matter is transferred to the Sixth District Court of Appeal for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S230493 C071453 Third Appellate District**PEOPLE v. MOLINA
(ROBERTO EMMANUEL)**

Dismissed and remanded to Court of Appeal, Third Appellate District

Review in the above-captioned matter, which was granted and held for *People v. Sanchez* (2016) 63 Cal.4th 665, is hereby dismissed. (Cal. Rules of Court, Rule 8.528(b).)

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

S230544 B254702 Second Appellate District, Div. 6**PEOPLE v. MADRIGAL
(ANTONIO)**

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

Review in the above-captioned matter is transferred to the Second District Court of Appeal, Division Six, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S230753 H038422 Sixth Appellate District**PEOPLE v. EDWARDS
(MICHAEL)**

Dismissed and remanded to Court of Appeal, Sixth Appellate District

Review in the above-captioned matter, which was granted and held for *People v. Sanchez* (2016) 63 Cal.4th 665, is hereby dismissed. (Cal. Rules of Court, Rule 8.528(b).)

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

S230837 A135721 First Appellate District, Div. 1**PEOPLE v. BLACKNELL
(JOSEPH)**

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

Review in the above-captioned matter is transferred to the First District Court of Appeal, Division One, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S231082 B257185 Second Appellate District, Div. 6**PEOPLE v. BREWER
(CHRISTOPHER MICHAEL)**

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

Review in the above-captioned matter is transferred to the Second District Court of Appeal, Division Six, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S231570 H039691 Sixth Appellate District**PEOPLE v. ALVAREZ
(JAIME ALTUNO)**

Dismissed and remanded to Court of Appeal, Sixth Appellate District

Review in the above-captioned matter, which was granted and held for *People v. Sanchez* (2016) 63 Cal.4th 665, is hereby dismissed. (Cal. Rules of Court, Rule 8.528(b).)

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

S231749 G049687 Fourth Appellate District, Div. 3**PEOPLE v. GUERRERO
(FREDDY)**

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

Review in the above-captioned matter is transferred to the Fourth District Court of Appeal, Division Three, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S231985 A137606 First Appellate District, Div. 1**PEOPLE v. TOSCANO
(EVARISTO)**

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

Review in the above-captioned matter is transferred to the First District Court of Appeal, Division One, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S232093 H040172 Sixth Appellate District**PEOPLE v. SANCHEZ (JOEL)**

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

Review in the above-captioned matter is transferred to the Sixth District Court of Appeal for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)

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

S232380 F068698 Fifth Appellate District**PEOPLE v. GRAY
(MARCELLE DEVON)**

Dismissed and remanded to Court of Appeal, Fifth Appellate District

Review in the above-captioned matter, which was granted and held for *People v. Sanchez* (2016) 63 Cal.4th 665, is hereby dismissed. (Cal. Rules of Court, Rule 8.528(b).)

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

S232690 A142488 First Appellate District, Div. 2 **PEOPLE v. SALVADOR
(HUMBERTO)**

Transferred to Court of Appeal, First Appellate District, Division Two, after hold
Review in the above-captioned matter is transferred to the First District Court of Appeal, Division Two, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)
Votes: Cantil-Sakauye, C. J., Werdegarr, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S232905 G050644 Fourth Appellate District, Div. 3 **PEOPLE v. VIZCARRA
(LORENZO)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three, after hold
Review in the above-captioned matter is transferred to the Fourth District Court of Appeal, Division Three, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)
Votes: Cantil-Sakauye, C. J., Werdegarr, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S233304 B256126 Second Appellate District, Div. 6 **PEOPLE v. MOOR
(MATTHEW)**

Transferred to Court of Appeal, Second Appellate District, Division Six, after hold
Review in the above-captioned matter is transferred to the Second District Court of Appeal, Division Six, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)
Votes: Cantil-Sakauye, C. J., Werdegarr, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S235058 G051370 Fourth Appellate District, Div. 3 **PEOPLE v. BECERRA, JR.,
(JESUS)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three, after hold
Review in the above-captioned matter is transferred to the Fourth District Court of Appeal, Division Three, for reconsideration in light of the decision in *People v. Sanchez* (2016) 63 Cal.4th 665. (Cal. Rules of Court, Rule 8.528(d).)
Votes: Cantil-Sakauye, C. J., Werdegarr, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

S237028 **CASTANEDA (JOSE) v.
CONWAY (JACK
KENNETH)/(S.C.)**

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

S187337**HARRIS (WILLIE LEO) ON
H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed October 15, 2010, is denied on the merits.

With respect to Claim II, except to the extent it alleges ineffective assistance of counsel, it is procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225, insofar as it was raised and rejected on appeal.**S235557** A142428 First Appellate District, Div. 2**PEOPLE v. ZARATE
(RAFAEL)**

Petition for review denied

S235610 B260121 Second Appellate District, Div. 7**PEOPLE v. BRIM (RONALD
ANTHONY)**

Petition for review denied

S235641 A144472 First Appellate District, Div. 3**HARRELL (HULEN T.) v.
ALAMEDA COUNTY
SHERIFF'S DEPARTMENT**

Petition for review denied

S235652 B259128/B260219 Second Appellate District, Div. 4 **PEOPLE v. WINN
(LEBRETTE STACEY)**

Petitions for review denied

S235669 G050541/G050735 Fourth Appellate District, Div. 3 **PEOPLE v. SOLIS (WESLEY
LEONEL)**

Petitions for review denied

S235775 G051812 Fourth Appellate District, Div. 3**PEOPLE v. MONTGOMERY
(ADRIAN ANTWON)**

Petition for review denied

S235810 B266850 Second Appellate District, Div. 8**PEOPLE v. ZAMARRIPA
(DAVID J.)**

Petition for review denied

S235824 B269150 Second Appellate District, Div. 3

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

**GRAY (STEVEN EDWARD)
v. S.C. (PEOPLE)**

S235866 G052222 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BLANCARTE
(JOSEPH JIMMY)**

S235907 D067262 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. TSCHIDA (CASEY
MICHAEL)**

S235947 H041157 Sixth Appellate District

Petition for review denied

**PEOPLE v. OCEGUEDA
(JOSE DE JESUS)**

S235969 H042221 Sixth Appellate District

Petition for review denied

**PEOPLE v. CRUZ (EDUARDO
MARGARITO)**

S235994 B259840 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. ORTIZ
(GERARDO)**

S235996 A143583/A144272 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. GRIFFITH
(TERRENCE LARUE)**

S235999 A140625 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. HERNANDEZ
(CHRISTOPHER)**

S236004

Petition for review denied – CAMERON MOSTAGHIM

**MOSTAGHIM ON
ADMISSION**

S236014 G052129 Fourth Appellate District, Div. 3

Petitions for review denied

**PEOPLE v. CARSON (MALIK
DEVON)**

S236017 E063076 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PEREYRA
(HENRY GABRIEL)**

S236030 G050464 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. FARFAN (JOSE
LUIS ESQUIVEL)**

S236051 F068060 Fifth Appellate District

Petition for review denied

**PEOPLE v. GONZALEZ (LUIS
MIGUEL)**

S236054 C073883 Third Appellate District

Petition for review denied

**PEOPLE v. BURTON
(RICHARD EARL)**

S236067 D068209 Fourth Appellate District, Div. 1

Petition for review denied

IN RE CHEYENNE C.

S236073 E063475 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HARPER (JASON
SCOTT)**

S236104 H041538 Sixth Appellate District

Petition for review denied

**PEOPLE v. SMITH (RANDY
JAY)**

S236109 A148272 First Appellate District, Div. 1

Petition for review denied

**LAWSON (DORMANICIA) v.
S.C. (PEOPLE)**

S236113 B261989 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. GUTIERREZ
(LUIS ANGEL)**

S236117 G051406 Fourth Appellate District, Div. 3

Petition for review & publication request(s) denied

**TORRES (JULIO C.) v. U.S.
BANK NATIONAL
ASSOCIATION**

S236118 B263188 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. CULVER
(KENNETH WAYNE)**

S236121 A146610 First Appellate District, Div. 1

Petition for review denied

H. (ANNE) v. B. (MICHAEL)

S236135 B264622 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SHORTY
(AERICK WAYNE)**

S236157 B266009 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. DENK (BERNIE
JASON)**

S236159 A141875 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. MORALES
(ERICK)**

S236168 C077611 Third Appellate District

Petition for review denied

**DURAN (LISA CAROLYN) v.
SAN JOAQUIN COUNTY
HUMAN SERVICES AGENCY**

S236210 A148471 First Appellate District, Div. 5

Petition for review denied

**FARRISH (STEVEN WES) ON
H.C.**

S236227 C080548 Third Appellate District

Petition for review denied

PEOPLE v. RAGAN (DANIEL PHILLIP)

S236233 D068519 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. STAPLETON (KIRK LEON)

S236439 B262872 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. MANUEL (KEVIS LAVELLE)

S236453 G051484 Fourth Appellate District, Div. 3

Petition for review denied

PEOPLE v. GUEVARA (FERNANDO ZAVALA)

S236459 B260857 Second Appellate District, Div. 6

Petition for review denied

DILLER (DENISE) v. JP MORGAN CHASE BANK, N.A.

S236464 H040007 Sixth Appellate District

Petition for review denied

KHANNA (VINCE) v. SONASOFT CORPORATION

S236481 E062836 Fourth Appellate District, Div. 2

Petition for review denied

RIVERSIDE SHERIFFS' ASSOCIATION v. COUNTY OF RIVERSIDE

S236485 B259953 Second Appellate District, Div. 5

Petition for review denied

GREENE (GARY) v. CITY OF LOS ANGELES

S236500 F071303 Fifth Appellate District

Petition for review denied

PEOPLE v. MEZA (LARRY TONY)

S236513 B261223 Second Appellate District, Div. 1

Petition for review denied

JIMENA (CARL L.) v. WONG (SAI HO)

S236540 D067201 Fourth Appellate District, Div. 1

Petition for review denied

PALMIERI (CARMEN JOHN) v. LA BELLA (CHARLES G.)

S236587 D068236 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. LEE (RICHARD CHARLES)

S236590 D067537 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. WALLACE (PATRICK)

S236593 D068375/D068651 Fourth Appellate District, Div. 1 **PEOPLE v. DAVIS (DIONNE)**
Petitions for review denied

S236602 A148898 First Appellate District, Div. 3

Petition for review denied

CECHETTINI (LEAH) v. S.C. (COPPERSMITH)

S236610 D070579 Fourth Appellate District, Div. 1

Petition for review denied

EMERALD AERO LLC v. KAPLAN (STEPHEN)

S236612 B266762 Second Appellate District, Div. 4

Petition for review denied

PEOPLE v. EDWARDS, JR., (ANTHONY)

S236621 C079707 Third Appellate District

Petition for review denied

**PEOPLE v. CUMMINGS
(NICHOLAS MARTIN)**

S236625 D068520 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. KNAPP
(WILLIAM ALEXANDER)**

S236633 B267719 Second Appellate District, Div. 1

Petition for review denied

**FRANCESCHI, JR., (ERNEST
J.) v. FRANCHISE TAX
BOARD**

S236638 H041972 Sixth Appellate District

Petition for review denied

**PEOPLE v. CASTILLO
(RACHELLE KATHERINE)**

S236646 B256907 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BOJORQUEZ
(VICENTE SOTO)**

S236650 B276197 Second Appellate District, Div. 8

Petition for review denied

HAYES (HENRY C.) ON H.C.

S236654 B265913 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. YOUNG
(NORMAN)**

S236659 H042890 Sixth Appellate District

Petition for review denied

IN RE E.N.

S236662 C077956 Third Appellate District

Petition for review denied

**PEOPLE v. BACA (STEVEN
MICHAEL DEAN)**

S236664	B260086 Second Appellate District, Div. 1	PEOPLE v. SIMS, JR., (KEITH JOHN)
Petition for review denied		
S236668	B265565 Second Appellate District, Div. 3	LAI (KAN MAN) v. DEPARTMENT OF WATER & POWER
Petition for review denied		
S236676	H040663 Sixth Appellate District	GREGGE (EDWARD BENNETT) v. HUGILL (MICHAEL)
Petition for review denied		
S236679	E063755 Fourth Appellate District, Div. 2	PEOPLE v. OLSEN (MICHAEL DOUGLAS)
Petition for review denied		
S236680	E066539 Fourth Appellate District, Div. 2	WILLIAMS (DEONTE LYNNELL) v. S.C. (PEOPLE)
Petition for review denied		
S236682	C082604 Third Appellate District	BENOIT (CLAIRE) v. S.C. (GILSON)
Petition for review denied		
S236683	A146067 First Appellate District, Div. 5	PEOPLE v. HERNANDEZ (CHACH)
Petition for review denied		
S236721	E063049 Fourth Appellate District, Div. 2	PEOPLE v. SIMPSON (TOREY DESHAUN)
Petition for review denied		
S236754		CARON ON ADMISSION
Petition for review denied – CRAYA C. CARON		

S237057**HOLLOW (CHARLES) v.
ARASHEBEN (TERESA)**

Petition for review & application for stay denied

S237061**CITIBANK, N.A. v.
ARASHEBEN (TERESA)**

Petition for review & application for stay denied

S237155 G053693 Fourth Appellate District, Div. 3**KARIM-PANAHI (PARVIZ) v.
TOWER ON 19TH**

Petition for review & application for stay denied

S233146**ROCHA (DANIEL NINO) ON
H.C.**

Petition for writ of habeas corpus denied

S234205**SCOTT (LIONEL A.) 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. Gallardo*, S231260.

S234561**JONES (MICHAEL DWAYNE)
ON H.C.**

Petition for writ of habeas corpus denied

S234714**JANOE (BOBBY S.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.) Petitioner's motion for postconviction discovery is denied.

S234810**LOFTON (DESTINY) 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. Valenzuela*, S232900 and *People v. Buycks*, S231765.

S235011**TROTTER (JAMES EMITT)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S235014**THOMAS (JARVIS VERDELL
CRUMB) ON H.C.**

Petition for writ of habeas corpus denied

S235020**RODRIGUEZ (JOHNATHAN
MICHAEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S235056**HOOKS (MELVIN KEITH)
ON H.C.**

Petition for writ of habeas corpus denied

S235420**TURNER (ANTHONY) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S235546**MILLER (KEITH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Hester* (2000) 22 Cal.4th 290.)

S235632**CLEMENTS (CHARLES C.)
ON H.C.**

Petition for writ of habeas corpus denied

S235869**MADRIGAL (MARIO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S235873**HICKS (GARY LEE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S235922**BRIM III (EURIE) ON H.C.**

Petition for writ of habeas corpus denied

S235954**SHARONOFF (KENNETH ALLEN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S235979**HARRELL (JOSHUA NEIL) ON H.C.**

Petition for writ of habeas corpus denied

S235989**DENNIS (LEMINO MARQUIS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S235991**TURNER, JR., (STEVEN DEON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S235993**SCOTT, SR., (JEROME N.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S236015**HARRISON (JOHN) ON H.C.**

Petition for writ of habeas corpus denied

S236021**MURGUIA (JORGE) ON H.C.**

Petition for writ of habeas corpus denied

S236043

Petition for writ of habeas corpus denied

FAVELA (GABRIEL) ON H.C.**S236046**

Petition for writ of habeas corpus denied

**MELCHOR (EMMA LIZA)
ON H.C.****S236056**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**WRIGHT (CHRISTOPHER
LANE) ON H.C.****S236057**

Petition for writ of habeas corpus denied

**RICE (STEVEN BRUCE) ON
H.C.****S236058**

Petition for writ of habeas corpus denied

**MARTIN (TYJUAN D.) ON
H.C.****S236059**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759.)

MARTINEZ (ELI) ON H.C.**S236060**

Petition for writ of habeas corpus denied

**BROWN (ORION DILLON)
ON H.C.****S236084**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 797-798.)

**MA (BENJAMIN ADAM) ON
H.C.****S236102**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

VERA (GEORGE) ON H.C.

S236130

Petition for writ of habeas corpus denied

LOPEZ (HERMAN) ON H.C.**S236133**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**MARTINEZ (ALBERT LEE)
ON H.C.****S236134**

Petition for writ of habeas corpus denied

**JOHNSON, JR., (ARMAH V.)
ON H.C.****S236139**

Petition for writ of habeas corpus denied

PEREZ (JUAN JOSE) ON H.C.**S236172**

Petition for writ of habeas corpus denied

FINNEGAN (JACK) ON H.C.**S236222**

Petition for writ of habeas corpus denied

**HERNANDEZ (JORGE LUIS)
ON H.C.****S236341**

Petition for writ of habeas corpus denied

**GRIM (JOSEPH SENTELLE)
ON H.C.****S236342**

Petition for writ of habeas corpus denied

PUGH (DARRYL) ON H.C.**S236345**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**BOYCE (LARRY EUGENE)
ON H.C.**

S236351**CAMPOS (MANUEL
GILBERT) ON H.C.**

Petition for writ of habeas corpus denied

S236598**BROWN (ORION DILLON)
ON H.C.**

Petition for writ of habeas corpus denied

S236649**MARTINEZ (ELI) ON H.C.**

Petition for writ of habeas corpus denied

S221038

A140035 First Appellate District, Div. 2

**BRISTOL-MYERS SQUIBB
COMPANY v. S.C.
(ANDERSON)**

Stay order filed

Issuance of the remittitur in the above-entitled cause is stayed to permit defendants to file a petition for writ of certiorari with the Supreme Court of the United States, which is currently due in that court on or before November 27, 2016. (28 U.S.C. § 2101(c); U.S. Supreme Ct. R. 13(1), 30(1).)

Upon the filing of that petition, the issuance of the remittitur is further stayed until final determination of the certiorari proceeding.

If a petition for writ of certiorari is not filed within the time prescribed, the stay will terminate when the time for filing the petition has expired.

S236296

B266603 Second Appellate District, Div. 2

IN RE M.R.

Publication request denied (case closed)

S236301

B258583 Second Appellate District, Div. 5

**HERNANDEZ (SHERRY) v.
PNMAC MORTGAGE
OPPORTUNITY FUND
INVESTORS, LLC**

Publication requests denied (case closed)

S236677**PORTFOLIO RECOVERY
ASSOCIATES, LLC v.
THOMPSON (ELDON)**

Publication request denied (case closed)

S237049 A143765 First Appellate District, Div. 1**BORRAYO (LIDIA C.) v.
AVERY (G. JAMES)**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to December 8, 2016.
(Cal. Rules of Court, rule 8.512(c).)

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

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to November 28, 2016.

S097668**PEOPLE v. SHERMANTINE,
JR., (WESLEY HOWARD)**

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 November 14, 2016.

S178464**PEOPLE v. MARTINEZ
(SANTIAGO)**

Extension of time granted

Good cause appearing, and based upon counsel Mark E. Cutler's representation that the appellant's opening brief is anticipated to be filed by January 31, 2017, counsel's request for an extension of time in which to file that brief is granted to November 18, 2016. After that date, only two further extensions totaling about 75 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).)

S185140**PEOPLE v. HEARD (JAMES
MATTHEW)**

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 November 15, 2016.

S189296**PEOPLE v. PANIAGUA, JR.,
(RODRIGO ORTIZ)**

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 November 18, 2016.

S203206**PEOPLE v. BROWN
(SHERHAUN KEROD)**

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 November 28, 2016.

S203540**PEOPLE v. BROWN (LATECE
MEGALE)**

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 November 21, 2016.

S206484**PEOPLE v. ESPINOZA
(PEDRO)**

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 November 18, 2016.

S231153**DUONG (ANH THE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Susan Garvey's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 19, 2017, counsel's request for an extension of time in which to file that document is granted to November 14, 2016. After that date, only three further extensions totaling about 185 additional days are contemplated.

S233134**BROWN (KAREEM JAMAL)
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 September 28, 2016.

S236588

E066460 Fourth Appellate District, Div. 2

GARCIA (ROY) ON H.C.

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 5, 2016.

No further extension of time will be contemplated.

S236604 A134913 First Appellate District, Div. 4**IN RE AUTOMOBILE
ANTITRUST CASES I & II**

Extension of time granted

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

S236782**JONES (JEFFREY GERARD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Carlos A. Martinez's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 28, 2017, counsel's request for an extension of time in which to file that document is granted to November 28, 2016. After that date, only two further extensions totaling about 120 additional days are contemplated.

S236180 B263978 Second Appellate District, Div. 4**PEOPLE v. MUMIN
(RAHEEM)**

Counsel appointment order filed

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

S112146**PEOPLE v. STAYNER (CARY
ANTHONY)**

Motion denied

Appellant's "Motion for Permission to File Appellate Claim Under Seal and for Order Maintaining Confidentiality of Sealed Transcript," filed on August 1, 2016, is denied. On the court's own motion, the documents in the sealed record on appeal concerning the defense motion to remove Juror Number 5 - sealed Clerk's Transcript Volume 50, pages 13406-13414, and sealed Reporter's Transcript Volume 56, pages 7265-7272 - are partially unsealed as follows (see Cal. Rules of Court, rule 8.46(e)(5) & (6)): the parties are permitted to publicly disclose material contained in these records so long as any personal identifying information of the juror, including the case number of the juror's superior court case, is not disclosed. The records otherwise remain under seal.

The Clerk is directed to publicly file the "Sealed Portion of Appellant's Opening Brief," lodged under seal in this court on August 1, 2016. No later than 10 days from the date of this order, appellant must serve and submit to this court an unredacted page 2 of the "Sealed Portion of Appellant's Opening Brief," which the Clerk will then file under seal.

S208180**MAI (HUNG THANH) ON
H.C.**

Motion denied

Petitioner's "Motion to File Amended Petition for Writ of Habeas Corpus," filed on August 1, 2016, is denied without prejudice to petitioner's filing a new petition for writ of habeas corpus.

S232582

A145465 First Appellate District, Div. 4

**RYAN (STEVE) v.
ROSENFELD (MITCHELL)**

Motion denied

Respondent's motion, filed on August 8, 2016, to dismiss the petition for review is denied.

S234285**DOOLIN (KEITH ZON) ON
H.C.**

Motion denied

Petitioner's "Motion for Order Permitting Former Counsel for Josefina Saldana, Deceased, to Grant Petitioner's Attorneys Access to the Files and Any Other Information in his Possession Bearing on Their Client's Innocence," filed on June 29, 2016, is denied.

S236843**PETERS ON RESIGNATION**

Order filed – JORDAN TONYA L. PETERS

Pursuant to written request of petitioner, the above-entitled resignation is ordered withdrawn.

S232568**WALDON (BILLY RAY) ON
H.C.**

Referee appointed

Based on the record in this matter and good cause appearing:

The Honorable Michael Smyth, Judge of the Superior Court of California, County of San Diego, is appointed to sit as a referee in this proceeding. He will supervise discovery, appoint, if necessary, one or more experts, take evidence, and make findings of fact and recommendations on the following questions in the matter of *In re Billy Ray Waldon on Habeas Corpus*, Supreme Court No. 232568 (related to *People v. Billy Ray Waldon* (Supreme Court No. 025520; San Diego County Superior Court No. CR82986; Judge David M. Gill): whether (1) petitioner Billy Ray Waldon has the capacity to appreciate his position and make a rational choice with respect to the litigation of this habeas corpus petition, including whether to disclose privileged materials, or he is suffering from a mental disease, disorder, or defect that may substantially affect his capacity in this regard, and (2) petitioner's counsel, the Office of the State Public Defender, or some other person should be appointed as guardian ad litem for the purpose of preparing and pursuing petitioner's habeas corpus petition.

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact and

recommendations made. The referee's findings and recommendations must be based solely on the record of the proceedings before the referee.

S236918**SCOTT (FLOYD DEWAINE)
v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

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

S236982**THOMAS, SR., (ALDEN A.) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, First Appellate District

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

S237271**DOWNER (COLLIE
GEORGE) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, First Appellate District

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

S236028**ACCUSATION OF THIERIOT**

Petition denied

(accusation)

S236631**ACCUSATION OF PRICE**

Petition denied

(accusation)

S235949**DeCLUE ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOSEPH LYNN DeCLUE, State Bar Number 163954, 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 two years subject to the following conditions:

1. JOSEPH LYNN DeCLUE is suspended from the practice of law for a minimum of the first six months of probation, and he will remain suspended until the following conditions are satisfied:

- a. He makes restitution to Juan and Teresa Ornelas in the amount of \$1,500, plus 10 percent interest per year from May 2, 2013 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Juan and Teresa Ornelas, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
- b. He makes restitution to Sarkis Andinyan in the amount of \$10,000, plus 10 percent interest per year from January 8, 2014 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Sarkis Andinyan, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and

If he 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 his rehabilitation, fitness to practice, and present learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. JOSEPH LYNN DeCLUE must also comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on May 10, 2016.
3. At the expiration of the period of probation, if JOSEPH LYNN DeCLUE has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JOSEPH LYNN DeCLUE 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.