

***[NO MINUTES WERE GENERATED FOR
WEDNESDAY, FEBRUARY 12, 2020,
IN OBSERVANCE OF PRESIDENT LINCOLN'S BIRTHDAY.]***

216

**SUPREME COURT MINUTES
THURSDAY, FEBRUARY 13, 2020
SAN FRANCISCO, CALIFORNIA**

S130263

**GAY (KENNETH EARL) ON
H.C.**

Opinion filed: habeas corpus granted; judgment vacated

We conclude Gay has established entitlement to habeas corpus relief on his claim that he was denied the effective assistance of counsel at the guilt phase of his trial. We grant relief and vacate the judgment against Gay in Los Angeles County Superior Court Case No. A392702 insofar as it rests on Gay's conviction for first degree murder. The petition's remaining claims will be resolved by later order to be filed separately.

Upon finality of our opinion, the Clerk of the Supreme Court is to remit a certified copy of the opinion to the Los Angeles Superior Court for filing, and respondent Attorney General is to serve a copy of the opinion on the prosecuting attorney. (See Pen. Code, § 1382, subd. (a)(2).)

Majority Opinion by Kruger, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Groban, JJ.

S243805

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

Opinion filed

We conclude that plaintiffs' time spent on Apple's premises waiting for, and undergoing, mandatory exit searches of bags, packages, or personal Apple technology devices, such as iPhones, voluntarily brought to work purely for personal convenience is compensable as "hours worked" within the meaning of Wage Order 7.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Corrigan, Liu, Cuéllar, Kruger, Groban, and Edmon*, JJ.

* Presiding Justice of the Court of Appeal, Second Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S259198 D076780 Fourth Appellate District, Div. 1 **C. (LAURISSA) v. S.C. (PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division One, with directions to issue an order to show cause

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 order denying mandate and to issue an order directing the Respondent Superior Court of San Diego County to show cause why the relief sought in the petition should not be granted:

- (1) on the ground that the juvenile court abused its discretion by relying on speculation in considering Laurissa C.'s family circumstances, considering those circumstances here in a manner not contemplated by Welfare and Institutions Code section 707, and failing to consider whether rehabilitative efforts might be available in a setting other than the family home;
- (2) on the ground that the juvenile court abused its discretion by relying on a finding that Laurissa C.'s potential involuntariness defense was not credible to support her transfer to criminal court (see *People v. Superior Court (Jones)* (1998) 18 Cal.4th 667, 682; *People v. Superior Court (Rodrigo O.)* (1994) 22 Cal.App.4th 1297, 1303-1304); or
- (3) on the ground that the record does not reflect that the juvenile court adequately evaluated the expert testimony of Dr. Clipson, Dr. Rowe, and Deputy Probation Officer Pinedo in considering the totality of the evidence.

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

S188156

TAYLOR (BRANDON ARNAE) ON H.C.

Extension of time granted

Based upon counsel John Lanahan's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by August 10, 2020, an extension of time in which to serve and file that document is granted to April 13, 2020. After that date, only two further extensions totaling about 120 additional days are contemplated.

S224393

PEOPLE v. HARTS (TYRONE LEVOID)

Extension of time granted

Based upon counsel Rudolph J. Alejo's representation that the appellant's opening brief is anticipated to be filed by August 8, 2020, an extension of time in which to serve and file that brief is granted to April 13, 2020. After that date, only two further extensions totaling about 118 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).)

S246862**MENDOZA (NANCY
MICHELLE) 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 informal response is extended to March 23, 2020.

S258593 B265610 Second Appellate District, Div. 7**PEOPLE v. RAMIREZ
(ROBERT ANTONIO)**

Counsel appointment order filed

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

S259062 B282048 Second Appellate District, Div. 2**PEOPLE v. ANDERSON
(ROBERT)**

Counsel appointment order filed

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

S259402 F075412 Fifth Appellate District**PEOPLE v. WAFER
(CHRISTOPHER LEON)**

Counsel appointment order filed

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

S259606 E072147 Fourth Appellate District, Div. 2**JONES (DENO ANTHONY)
ON H.C.**

Counsel appointment order filed

Upon request of petitioner for appointment of counsel, James Crawford is hereby appointed to represent petitioner on the appeal now pending in this court.

S185810**PEOPLE v. THREATS
(DERLYN RAY)**

Order filed

The application of the Superior Court of San Diego County for an extension of time to prepare, certify for accuracy and send the record as corrected to the California Supreme Court, filed on February 6, 2020, is granted.

The Superior Court of San Diego County is directed to complete and deliver the clerk's and reporter's transcripts on appeal pursuant to California Rules of Court, rule 8.622(e) on or before March 27, 2020.

S259260**DAMER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that NICHOLAS RAYMOND DAMER (Respondent), State Bar Number 52309, is summarily disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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

S259264**GILBERT ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GREGORY FORD GILBERT (Respondent), State Bar Number 65920, is summarily disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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

S259506**TURNER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WILLIAM EARL TURNER (Respondent), State Bar Number 51729, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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

S259512**WILKINSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that TYLER THOMAS WILKINSON (Respondent), State Bar Number 225365, is summarily disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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

S259513**WEINKAUF ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEVEN ALAN WEINKAUF (Respondent), State Bar Number 91421, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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

S259515**VO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PHUONG DAVE VO (Respondent), State Bar Number 257186, is summarily disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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

S259517**REYES ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CARLO OCAMPO REYES (Respondent), State Bar Number 226150, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

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

- (1) Sari Alqeen in the amount of \$12,333.34 plus 10 percent interest per year from February 21, 2018; and
- (2) Dayan Houman PLC in the amount of \$33,988.33 plus 10 percent interest per year from October 24, 2017.

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

Respondent must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

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

S259524**VICHINSKY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that AMY LILLIAN VICHINSKY (Respondent), State Bar Number 250534, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the

effective date of this order.

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

S259527**MILLER ON DISCIPLINE**

Recommended discipline imposed

The court orders that FRANK EDWARD MILLER (Respondent), State Bar Number 162270, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and Frank Edward Miller is placed on probation for three years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first two years of probation, and Respondent will remain suspended until Respondent provides proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 7, 2019.
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on October 7, 2019. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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

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

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

S259541**MITCHELL ON DISCIPLINE**

Recommended discipline imposed

The court orders that WALTER ROY MITCHELL (Respondent), State Bar Number 165834, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 90 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 9, 2019; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Decision filed on July 9, 2019. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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

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

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