

**SUPREME COURT MINUTES  
WEDNESDAY, JANUARY 27, 2021  
SAN FRANCISCO, CALIFORNIA**

**S265739**      F080131 Fifth Appellate District      **PEOPLE v. HERNANDEZ  
(JOSE ANTONIO)**

Petition for review granted

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

**S265668**      B298952 Second Appellate District, Div. 6      **PEOPLE v. HENDRIX  
(ISAIAH)**

Issues ordered limited

The issues to be briefed and argued are limited to the following (Cal. Rules of Court, rule 8.516(a)): Did the Court of Appeal err in holding an instructional error on the defense of mistake of fact harmless? In the circumstances of this case, which standard of prejudice applies to an error in instructing on the defense of mistake of fact: that of *People v. Watson* (1956) 46 Cal.2d 818 or that of *Chapman v. California* (1967) 386 U.S. 18?

**S265629**      B303425 Second Appellate District, Div. 2      **PEOPLE v. PELAYO (SAUL)**  
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. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265722**      B302319 Second Appellate District, Div. 2      **PEOPLE v. KING (ALFRED)**  
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. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265797**      B301477 Second Appellate District, Div. 4      **PEOPLE v. RUIZ (ANTHONY)**  
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. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265840**      E073934 Fourth Appellate District, Div. 2      **PEOPLE v. JACKSON**  
**(DERWIN JULES)**

Petition for review granted; briefing deferred

The request for judicial notice is denied.

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265851**      B299620 Second Appellate District, Div. 4      **PEOPLE v. PUEBLA**  
**(RODOLFO)**

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. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265854**      E072961 Fourth Appellate District, Div. 2      **PEOPLE v. JONES, JR.,**  
**(HENRY ALEXANDER)**

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. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265916** C092931 Third Appellate District  
Petition for review granted; briefing deferred

**P. (R.) ON H.C.**

The petition for review is granted. Further action in this matter is deferred pending the consideration and disposition of *In re A.R.*, S260928 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265936** A158840 First Appellate District, Div. 4

**PEOPLE v. LOPEZ**  
**(STEPHEN MARTINEZ)**

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. Padilla*, S263375, and *People v. Federico*, S263082 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S266016** H046618 Sixth Appellate District

**PEOPLE v. LOPEZ**  
**(GUSTAVO)**

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. Esquivel*, S262551 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S266036** E072675 Fourth Appellate District, Div. 2

**PEOPLE v. CULPEPPER**  
**(NORMAN FREDRICK)**

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. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S266041**      B296392 Second Appellate District, Div. 8      **PEOPLE v. FALCON  
(CHRISTOPHER)**

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. Lewis*, S260598 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S266198**      D076560 Fourth Appellate District, Div. 1      **PEOPLE v. HOLMES  
(COREY)**

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. Raybon*, S256978 (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., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.

**S265882**      B301203 Second Appellate District, Div. 3      **PEOPLE v. MENJIVAR  
(ISRAEL DeJESUS)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Three

The petition for review is granted. The cause is transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate the judgment and to consider whether, in light of the conclusion that the sole issue appellate counsel sought to raise is not cognizable, the procedures set forth in *People v. Wende* (1979) 25 Cal.3d 436 apply and, if so, to take appropriate action.

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

**S264179**      **JOHNSON (JEFFREY W.) v.  
COMMISSION ON JUDICIAL  
PERFORMANCE**

The request to appear as counsel pro hac vice is granted.  
The petition for review is denied.

**S265539** D075044 Fourth Appellate District, Div. 1**PEOPLE v. COOPER  
(BRANDON KYLE)**

Petition for review denied

**S265597** B294095 Second Appellate District, Div. 7**PEOPLE v. MONTELONGO  
(GIOVANNY)**

Petition for review denied

Concurring Statement by Justice Liu

In 2013, the Legislature passed Senate Bill No. 260 (2013-2014 Reg. Sess.), which enacted Penal Code section 3051. (All undesignated statutory references are to the Penal Code.) The bill required the Board of Parole Hearings to conduct youth offender parole hearings and consider release of offenders who committed specified crimes before the age of 18. (Legis. Counsel’s Dig., Sen. Bill No. 260 (2013-2014 Reg. Sess.)) In establishing this parole eligibility mechanism, the Legislature sought to account for the fact that “youthfulness both lessens a juvenile’s moral culpability and enhances the prospect that, as a youth matures into an adult and neurological development occurs, these individuals can become contributing members of society.” (Stats. 2013, ch. 312, § 1.) It was “the intent of the Legislature to create a process by which growth and maturity of youthful offenders can be assessed and a meaningful opportunity for release established.” (*Ibid.*)

Soon thereafter, the Legislature amended the age threshold for youth offenders to age 23 (Stats. 2015, ch. 471, § 2) and then age 25 (Stats. 2017, ch. 684, § 2.5). The Legislature made these changes in light of scientific evidence that “certain areas of the brain, particularly those affecting judgment and decision-making, do not develop until the early-to-mid-20s.” (Assem. Com. on Public Safety, Analysis of Assem. Bill No. 1308 (2017-2018 Reg. Sess.) as amended Mar. 30, 2017, p. 2.) The Legislature also extended parole hearings in the 25th year of incarceration to youth offenders sentenced to life imprisonment without the possibility of parole, but only for an offense committed before age 18. (*People v. Contreras* (2018) 4 Cal.5th 349, 381 (*Contreras*), citing § 3051, subd. (b)(4), as amended by Stats. 2017, ch. 684, § 1.5.)

I write to underscore that section 3051’s parole eligibility scheme - specifically, its exclusion of persons sentenced to life without parole for offenses committed between ages 18 and 25 - stands in “tension” with *Miller v. Alabama* (2012) 567 U.S. 460 (*Miller*). (*People v. Montelongo* (2020) 55 Cal.App.5th 1016, 1036 (conc. opn. of Segal, J.) (*Montelongo*)).

Miller identified three significant differences between juveniles and adults that bear on culpability. “First, children have a ‘ “lack of maturity and an underdeveloped sense of responsibility,” ’ leading to recklessness, impulsivity, and heedless risk-taking. [Citation.] Second, children ‘are more vulnerable . . . to negative influences and outside pressures,’ including from their family and peers; they have limited ‘contro[l] over their own environment’ and lack the ability to extricate themselves from horrific, crime-producing settings. [Citation.] And third, a

child’s character is not as ‘well formed’ as an adult’s; his traits are ‘less fixed’ and his actions less likely to be ‘evidence of irretrievabl[e] deprav[ity].’ ” (*Miller, supra*, 567 U.S. at p. 471, citing *Roper v. Simmons* (2005) 543 U.S. 551, 569-570 (*Roper*).) “The Supreme Court based these conclusions on ‘what “any parent knows,” ‘ scientific research, and social science.’ ” (*Montelongo, supra*, 55 Cal.App.5th at p. 1036 (conc. opn. of Segal, J.), citing *Miller*, at p. 471.)

Crucially, *Miller* explained that in this context “none of what [high court precedent has] said about children . . . is crime-specific.” (*Miller, supra*, 567 U.S. at p. 473.) The distinctive attributes of youth that mitigate culpability - transitory mental traits and environmental vulnerabilities – “ ‘are evident in the same way, and to the same degree,’ when a juvenile commits robbery or ‘when (as in [*Miller*]) a botched robbery turns into a killing.’ ” (*Montelongo, supra*, 55 Cal.App.5th at p. 1037 (conc. opn. of Segal, J.).)

The Legislature has recognized that *Miller*’s observations about juveniles also apply to young adults up to age 25. (Stats. 2017, ch. 684, § 2.5.) Yet it has excluded certain youth offenders from parole hearings based on the type of crime they committed. In particular, section 3051 does not allow for resentencing of 18- to 25-year-old offenders convicted of special circumstance murder and sentenced to life in prison without the possibility of parole. (§ 3051, subd. (h).) I agree with Justice Segal that “a juvenile offender’s eligibility for a youthful parole hearing should not hinge on the crime he or she committed, the statute under which the prosecutor elected to charge him or her, or the sentence mandated by statute. None of those factors is relevant to determining whether a young adult offender is irreparably corrupt.” (*Montelongo, supra*, 55 Cal.App.5th at p. 1041 (conc. opn. of Segal, J.).) In light of the high court’s clear statement that the mitigating attributes of youth are not “crime-specific” (*Miller, supra*, 567 U.S. at p. 473) and our Legislature’s recognition that those attributes are found in young adults up to age 25, it is questionable whether there is a rational basis for section 3051’s exclusion of 18- to 25-year-olds sentenced to life without parole.

The Court of Appeal declined to resolve whether section 3051 violates equal protection because defendant raised this argument for the first time in his reply brief. (See *Montelongo, supra*, 55 Cal.App.5th at p. 1030, fn. 8.) But, as Justice Segal noted, “under section 3051, a young adult sentenced to an indeterminate prison term for premeditated first degree murder has an opportunity for parole, whereas Montelongo, who may not have intended to kill Brooks but was subject to a mandatory sentence of life without the possibility of parole (because the People did not seek the death penalty), does not.” (*Id.* at p. 1039 (conc. opn. of Segal, J.).) Indeed, the evidence in this case supported a finding of felony murder, which qualifies as first degree murder but does not require an intent to kill. (§ 189, subd. (a).)

As we observed in *Contreras*, there is a colorable claim that section 3051’s exclusion of certain juvenile offenders based on their controlling offense “violates principles of equal protection and the Eighth Amendment” or “constitutes ‘unusual punishment’ within the meaning of article I, section 17 of the California Constitution.” (*Contreras, supra*, 4 Cal.5th at p. 382; see *People v. Williams* (2020) 47 Cal.App.5th 475, review granted July 22, 2020, S262669; *People v. Edwards* (2019) 34 Cal.App.5th 183, 197, 199 [“section 3051’s carve-out for One Strike defendants

violates principles of equal protection” and is “unconstitutional on its face”].) Because there is a substantial question whether section 3051’s exclusion of 18- to 25-year-olds sentenced to life without parole violates equal protection, “there is good reason for legislative reconsideration” of the statute. (*In re Jones* (2019) 42 Cal.App.5th 477, 486-487 (conc. opn. of Pollak, J.))

Further, in light of “changes in the legal and scientific landscape,” I join Justice Segal’s suggestion that the Legislature “reconsider the propriety, wisdom, and perhaps even the constitutionality of imposing a mandatory sentence of life without the possibility of parole on an 18-year-old.” (*Montelongo, supra*, 55 Cal.App.5th at p. 1040 (conc. opn. of Segal, J.); see *id.* at p. 1041 [“it may be time for the Legislature to rethink the old *Roper* line”].) Advances in scientific understanding have revealed that the ordinary process of neurological and cognitive development continues for several years past age 18, and our Legislature recognized as much when it extended youth offender parole eligibility to persons who committed their controlling offense at or before age 25. That recognition calls into question whether it is tenable, without an individualized showing of irreparable corruption, to lock up young adult offenders and throw away the key. If what the high court has said about juveniles also applies to young adults, then so does “the truth of *Miller*’s central intuition” that such offenders “who commit even heinous crimes are capable of change.” (*Montgomery v. Louisiana* (2016) 577 U.S. \_\_, \_\_ [136 S.Ct. 718, 736].)

LIU, J.

**S265657**            A156897 First Appellate District, Div. 2

**CONTRA COSTA COUNTY  
FIRE PROTECTION  
DISTRICT v. PUBLIC  
EMPLOYMENT RELATIONS  
BOARD (UNITED CHIEF  
OFFICERS ASSOCIATION)**

Petition for review denied

**S265720**            G058575 Fourth Appellate District, Div. 3

**PRICKETT (MIRA CHLOE) v.  
BONNIER CORPORATION**

Petition for review denied

**S265744**            F076258 Fifth Appellate District

**PEOPLE v. POSLOF, JR.,  
(LONNIE LEE)**

Petition for review denied

<b>S265746</b>	F079414 Fifth Appellate District	<b>PEOPLE v. POSLOF, JR., (LONNIE LEE)</b>
Petition for review denied		
<b>S265750</b>	E072488 Fourth Appellate District, Div. 2	<b>PEOPLE v. LOVE (IVINE BERNABE)</b>
Petition for review denied		
<b>S265783</b>	A155219 First Appellate District, Div. 1	<b>EPSTEIN (GORDON) v. VISION SERVICE PLAN</b>
Petition for review denied		
<b>S265786</b>	B300072/B302209 Second Appellate District, Div. 6	<b>LOWRY (JOHN) v. PORT SAN LUIS HARBOR DISTRICT</b>
Petition for review denied		
<b>S265789</b>	D075307 Fourth Appellate District, Div. 1	<b>JAIME (CHRISTOPHER) v. CARMAX AUTO SUPERSTORES CALIFORNIA, LLC</b>
Petition for review denied		
<b>S265830</b>	F078236 Fifth Appellate District	<b>PEOPLE v. BEDFORD (L C)</b>
Petition for review denied		
<b>S265842</b>	B294035 Second Appellate District, Div. 8	<b>PEOPLE v. WEALTH (SHEBETH)</b>
Petition for review denied		
<b>S265861</b>	B300407 Second Appellate District, Div. 5	<b>PEOPLE v. GOMEZ (MAXSIMILIANO)</b>
Petition for review denied		



**S265863****HARPER (GREGORY) v.  
REVIEW DEPARTMENT OF  
THE STATE BAR OF  
CALIFORNIA**

The petition for review requesting restoration to active status and dismissal of all charges is denied without prejudice pending resolution of the proceedings on remand in *Harper on Discipline*, S265240.

Jenkins, J., was recused and did not participate.

**S265869** C091068 Third Appellate District**McLEOD (KENNETH  
RICHARD) ON H.C.**

Petition for review denied

**S265876** D077038 Fourth Appellate District, Div. 1**PEOPLE v. KRUSE (CODY  
ASHTON)**

Petition for review denied

**S265883** B299765 Second Appellate District, Div. 1**MILES (WRENIS) v. CITY OF  
LOS ANGELES**

Petition for review denied

**S265892** B300420 Second Appellate District, Div. 1**PEOPLE v. SMITH  
(SHICOREY LEE)**

Petition for review denied

**S265893** A157073 First Appellate District, Div. 5**TIBURON/BELVEDERE  
RESIDENTS UNITED TO  
SUPPORT THE TRAILS v.  
MARTHA COMPANY**

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 October 23, 2020, which appears at 53 Cal.App.5th 1073. (Cal. Const., art. VI, § 14.)

- S265899** C089368 Third Appellate District **PEOPLE v. PACK-RAMIREZ  
(REFFIGLIA LORRAINE)**  
Petition for review denied
- S265909** B291733 Second Appellate District, Div. 6 **PEOPLE v. BROWN (JOSEPH  
IRBY)**  
Petition for review denied
- S265915** A158095 First Appellate District, Div. 4 **PEOPLE v. REYES  
(OCTAVIO JOSEPH)**  
Petition for review denied
- S265917** E074093 Fourth Appellate District, Div. 2 **PEOPLE v. AMAYA  
(ARMANDO)**  
Petition for review denied
- S265927** G059390 Fourth Appellate District, Div. 3 **ORANGE COUNTY PUBLIC  
DEFENDER'S OFFICE v. S.C.  
(PEOPLE)**  
Petition for review denied
- S265946** C077992 Third Appellate District **PEOPLE v. WINKLER (TODD  
ALAN)**  
Petition for review denied
- S265963** B292935/B299705 Second Appellate District, Div. 3 **PEOPLE v. CUEVAS  
(ADRIAN)**  
Petition for review denied
- S265987** B305422 Second Appellate District, Div. 4 **IN RE R.R.**  
Petition for review denied
- S266004** B299441 Second Appellate District, Div. 8 **PEOPLE v. SMITH (CARLOS)**  
The petition for review is denied without prejudice to any relief to which defendant might be  
entitled after this court decides *People v. Kopp*, S257844.

<b>S266030</b>	D077361 Fourth Appellate District, Div. 1	<b>PEOPLE v. LAMOUREUX (PATTY ANN)</b>
Petition for review denied		
<b>S266049</b>	H048334 Sixth Appellate District	<b>IDEAFARM (WO OF) v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S266050</b>	D078280 Fourth Appellate District, Div. 1	<b>GALLOWAY (RONALD) v. S.C. (PEOPLE)</b>
The request for judicial notice is granted. The petition for review is denied.		
<b>S266073</b>	A157170 First Appellate District, Div. 4	<b>PEOPLE v. BROWN (GREGORY)</b>
Petition for review denied		
<b>S266095</b>	B308664 Second Appellate District, Div. 2	<b>EDMUND (ANDRE M) v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S266113</b>	A157568 First Appellate District, Div. 4	<b>WIFI RAIL, INC. v. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT</b>
Petition for review denied		
<b>S266150</b>	D078315 Fourth Appellate District, Div. 1	<b>JAMES (MALISSA) v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S266164</b>	B299423 Second Appellate District, Div. 5	<b>PEOPLE v. SOLOMON (DONTE)</b>
Petition for review denied		

<b>S266182</b>	C089586 Third Appellate District	<b>PEOPLE v. CONNER (DEREK MICHAEL)</b>
Petition for review denied		
<b>S266197</b>	E070910 Fourth Appellate District, Div. 2	<b>PEOPLE v. FRASCO (MIGUEL CORTES)</b>
Petition for review denied		
<b>S266202</b>	B303471 Second Appellate District, Div. 2	<b>PEOPLE v. EVANS (GLEN DALE)</b>
Petition for review denied		
<b>S266205</b>	D076179 Fourth Appellate District, Div. 1	<b>PEOPLE v. POINDEXTER (DANTE)</b>
Petition for review denied		
<b>S266207</b>	D078332 Fourth Appellate District, Div. 1	<b>DUNSMORE (DARRYL LEE) ON H.C.</b>
Petition for review denied		
<b>S266209</b>	B308243 Second Appellate District, Div. 3	<b>DIAZ (KEVIN) ON H.C.</b>
The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides <i>Milton on Habeas Corpus</i> , S259954.		
<b>S266220</b>	E073022 Fourth Appellate District, Div. 2	<b>PEOPLE v. DELANO (WILLIAM MARTIN)</b>
Petition for review denied		
<b>S266227</b>	H046775 Sixth Appellate District	<b>PEOPLE v. LARA (JUAN PACHECO)</b>
Petition for review denied		
<b>S266243</b>	H047274 Sixth Appellate District	<b>IN RE C.O.</b>
Petition for review denied		

**S266257** D074948 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. RAMIREZ  
(RICARDO)**

**S266265** B302502 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. LEON (BRANDON  
STEVEN)**

**S264105**

Petition for writ of habeas corpus denied

**O'CONNOR (GLENN) ON  
H.C.**

**S264129**

Petition for writ of habeas corpus denied

**PADILLA (EDWARD G.) ON  
H.C.**

**S264181**

Petition for writ of habeas corpus denied

**SPILLARD II (EVERETT L.)  
ON H.C.**

**S264467**

Petition for writ of habeas corpus denied

**RENTERIA (RONALD DAVE)  
ON H.C.**

**S264958**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *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].)

**COLLINS (CHASE LEE) ON  
H.C.**

**S265006****HERRERA (RUBEN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].) Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

**S265633****METTS-MONTEZ (TRINITY)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].)

**S265634****HILL (KENNETH) ON H.C.**

The petition for writ of habeas corpus is denied as moot.

**S265635****DURAN (JOSE ANTONIO) ON  
H.C.**

Petition for writ of habeas corpus denied

**S265652****DUONG (MUOI VAN) 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]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**S265655****ROBERTS (BRIAN TYRONE)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

**S265672****HUBBARD (ZANE) ON H.C.**

Petition for writ of habeas corpus denied

**S265673****KNOX (WILLIE) ON H.C.**

Petition for writ of habeas corpus denied

**S265677****VALDOVINOS (CESAR) ON  
H.C.**

Petition for writ of habeas corpus denied

**S265678****JOHNSON (DERRICK L.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**S265697****FREEMAN (DORN ALLEN)  
ON H.C.**

Petition for writ of habeas corpus denied

**S265708****POLLARD (KENNETH  
BUFORD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

**S265724****DAVIS (VON RICO) ON H.C.**

Petition for writ of habeas corpus denied

**S265829****KNOX (WILLIE) ON H.C.**

Petition for writ of habeas corpus denied

**S265905****POLLARD (KENNETH  
BUFORD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

**S266143****LY (LUNG) ON H.C.**

The petition for writ of habeas corpus is denied.

This denial is without prejudice to petitioner filing in the Tuolumne County Superior Court a petition for writ of habeas corpus challenging his current conditions of confinement. This court recognizes that the reported number of active COVID-19 cases at the Sierra Conservation Center has increased substantially since December 4, 2020, when the instant petition for writ of habeas corpus was filed with this court, including over 1100 cases in December and January. (Evid. Code, § 452, subds. (c), (h); Cal. Dept. of Corrections and Rehabilitation, Population COVID-19 Tracking (Jan. 26, 2021) <<https://www.cdcr.ca.gov/covid19/population-status-tracking/>> [as of Jan. 26, 2021].)

If such a petition is filed, the superior court is hereby reminded that, as set forth in prior orders of this court, it is to engage all available procedural tools to ensure the timely and fair resolution of the issues that may be presented. (See *Marshall v. Superior Court*, S263043, Supreme Ct. Mins., July 15, 2020, p. 908; *National Association of Criminal Defense Lawyers v. Newsom*, S261827, Supreme Ct. Mins., May 4, 2020, pp. 592-593.)

**S266299****YOCOM (MICHAEL ALAN)  
ON H.C.**

Petition for writ of habeas corpus denied

**S265647** B303028 Second Appellate District, Div. 6**FERRELL (TYREE IRVIN)  
ON H.C.**

Publication request denied (case closed)

**S265738** A159122/A159247 First Appellate District, Div. 1 **BUTLER (TERRANCE) ON  
H.C.**

Depublication request denied (case closed)

The requests for an order directing depublication of the opinion in the above-entitled appeal are denied. The court declines to review this matter on its own motion. The matter is now final.

**S265753** E072755 Fourth Appellate District, Div. 2**PEOPLE v. GARCIA  
(ARMANDO BARAJAS)**

Publication request denied (case closed)



**S266181** C079078 Third Appellate District

**AMERICAN CHEMISTRY  
COUNCIL v. OFFICE OF  
ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
(NATURAL RESOURCES  
DEFENSE COUNCIL)**

Depublication request denied (case closed)

The request for an order directing depublication of the opinion in the above-entitled appeal is denied. The court declines to review this matter on its own motion. The matter is now final.

**S266445** F077721 Fifth Appellate District  
Publication request denied (case closed)

**PEOPLE v. GARCIA (REX)**

**S263734** B295181/B295315 Second Appellate District, Div. 1

**HILL RHF HOUSING  
PARTNERS, L.P. v. CITY OF  
LOS ANGELES**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to March 3, 2021.

**S264923**

**AZADGILANI (BABAK) ON  
H.C.**

Extension of time granted

On application of Non-Title Respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to March 16, 2021.

**S217299**

**HOYT (RYAN JAMES) ON  
H.C.**

Motion denied

The “Request to Reconsider and Vacate Order Transferring Petition for Writ of Habeas Corpus From Supreme Court to Superior Court,” filed on December 14, 2020, is denied.

**S264821** B296738 Second Appellate District, Div. 8

**CONYER (MICHAEL) v.  
HULA MEDIA SERVICES,  
LLC**

Motion to file document under seal granted

The motion of Hula Media Services, LLC and Denine James-Nio for leave to file a certificate of interested entities or persons under seal, filed December 23, 2020, is granted. (Cal. Rules of Court, rule 8.208(d)(2).)

**S266324**

**ACCUSATION OF  
VALENCIA**

Petition denied (accusation)

**S265240**

**HARPER ON DISCIPLINE**

Remanded to State Bar – GREGORY HARPER

The petition for review is granted and the matter is remanded to the State Bar Hearing Department for further evidentiary hearings to determine whether the State Bar's facially neutral disciplinary practices at issue, including but not limited to the weight given petitioner's previous discipline for reportable action bank matters, had the effect of discriminating against Harper on the basis of race. The State Bar must determine whether Harper was disciplined more harshly than any similarly situated white male attorney based on the data underlying the Farkas study and the Robertson report. (California Rules of Court, rule 9.17.) The Hearing Department shall reopen discovery to permit Harper to obtain all data reviewed for purposes of the Farkas study and the Robertson report with identifying information redacted.

Votes: Cantil-Sakauye, C. J., Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.  
Jenkins, J., was recused and did not participate.

**2000092-21**

THE HONORABLE GAIL RUDERMAN FEUER, Associate Justice of the Court of Appeal, Second Appellate District, Division Seven, is hereby assigned to assist the California Supreme Court, as a justice thereof, on January 27, 2021\*, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: January 27, 2021