

**SUPREME COURT MINUTES  
MONDAY, MARCH 2, 2020  
SAN FRANCISCO, CALIFORNIA**

**S249397**      B283858 Second Appellate District, Div. 6      **PEOPLE v. JIMENEZ  
(MIGUEL ANGEL)**

Opinion filed: Judgment reversed

The judgment of the Court of Appeal is reversed, and this case is remanded to the Court of Appeal with instructions to send the case back to the trial court for sentencing not inconsistent with this opinion. To the extent it conflicts with this holding, *People v. Brayton* (2018) 25 Cal.App.5th 734 (review granted Oct. 10, 2018, S251122) is disapproved.

Majority Opinion by Cuéllar, J.

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

**S243805**      **FRLEKIN (AMANDA) v.  
APPLE, INC.**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to May 13, 2020 or the date upon which rehearing is either granted or denied, whichever occurs first.

**S260930**      B298655 Second Appellate District, Div. 6      **PEOPLE v. PICART  
(STEPHEN MARK)**

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 May 12, 2020. (Cal. Rules of Court, rule 8.512(c).)

**S170293**      **PEOPLE v. DENNIS (CALVIN  
JERMAINE) & INGRAM  
(REYON TWAIN)**

Extension of time granted

Based upon Supervising Deputy Attorney General Steven D. Matthews's representation that the respondent's brief is anticipated to be filed by May 5, 2020, an extension of time in which to serve and file that brief is granted to May 5, 2020. After that date, no further extension is 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).)

**S210386**

**PEOPLE v. LIVINGSTON  
(WAYMON)**

Extension of time granted

Based upon counsel Richard P. Siref's representation that the appellant's reply brief is anticipated to be filed by May 28, 2020, an extension of time in which to serve and file that brief is granted to April 28, 2020. After that date, only one further extension totaling about 29 additional days is 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).)

**S211060**

**PEOPLE v. GALVAN  
(ROBERT)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to May 4, 2020.

**S221846**

**PEOPLE v. HALEY (KEVIN  
BERNARD)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to May 5, 2020.

**S223978**

**PEOPLE v. FULLER  
(ROBERT DALE)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to April 28, 2020.

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

Extension of time granted

Based upon Deputy Attorney General Collette C. Cavalier's representation that the exceptions to the referee's report and brief on the merits is anticipated to be filed by March 30, 2020, an extension of time in which to serve and file that brief is granted to March 30, 2020. After that date, no further extension is contemplated.

**S258751****HICKS (CHRISTOPHER) 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 April 2, 2020.

**S259522**

B296639 Second Appellate District, Div. 1

**BERROTERAN II (RAUL) v.  
S.C. (FORD MOTOR  
COMPANY)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to April 13, 2020.

**S259548**

B290629 Second Appellate District, Div. 8

**PEOPLE v.  
MIRZAKHANYAN (EMIN)**

Counsel appointment order filed

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

**S260024**

C087276 Third Appellate District

**SCHUSTER (TODD BARTON)  
ON H.C.**

Counsel appointment order filed

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

**S051968****PEOPLE v. MORELOS  
(VALDAMIR FRED)**

Order filed

Appellant's "Application for Permission to File Second Supplemental Opening Brief," filed February 28, 2020, is granted. The second supplemental respondent's brief must be served and filed within 30 days of the filing of this order. Any second supplemental reply brief by the appellant may be served and filed within 30 days of the filing of the supplemental respondent's brief.

**S260863****RATHBUN (CHARLES  
EDGAR) v. S.C.  
(CALIFORNIA  
DEPARTMENT OF  
CORRECTIONS &  
REHABILITATION)**

Transferred to Court of Appeal, Second Appellate District

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

**S259925****SCHMUTZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN ERIC SCHMUTZ (Respondent), State Bar Number 186517, 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 30 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 Order Approving Stipulation filed on November 12, 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 Order Approving Stipulation filed on November 12, 2019. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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.

**S259926****NARAYAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ASH NARAYAN (Respondent), State Bar Number 155850, 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.

**S259927****PEABODY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that TIMOTHY PATRICK PEABODY (Respondent), State Bar Number 134131, 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) Harold Lear in the amount of \$10,000 plus 10 percent interest per year from April 19, 2018;
- (2) Steven Cervantes in the amount of \$8,500 plus 10 percent interest per year from May 31, 2013; and
- (3) Hugo Wu in the amount of \$320,000 plus 10 percent interest per year from July 31, 2013.

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.

**S259929****BAKMAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that LARRY MARK BAKMAN (Respondent), State Bar Number 88964, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 12, 2019; and
2. At the expiration of the period of probation, if Respondent has complied with the terms 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 November 12, 2019. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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.

**S259931****BROWN ON DISCIPLINE**

Recommended discipline imposed

The court orders that BAIRD ALLAN BROWN (Respondent), State Bar Number 56627, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for three 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 Order Approving Stipulation filed on October 2, 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 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.

**S259932****LANHAM ON DISCIPLINE**

Recommended discipline imposed

The court orders that RANDALL JAMES LANHAM (Respondent), State Bar Number 164839, is suspended from the practice of law in California for one year, 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 Order Approving Stipulation filed on November 12, 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 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.