

**SUPREME COURT MINUTES  
MONDAY, MARCH 28, 2022  
SAN FRANCISCO, CALIFORNIA**

**S273310**      E078055 Fourth Appellate District, Div. 2      **LEVAY (ROSS) v. CITY OF  
INDIO**

Petition for review & application for stay denied

The motion for contingent sanctions, motion to strike, and motion for defendant's consent, filed on March 1, 2022, are denied.

The petition for review and application for stay are denied.

**S273522**      C095285 Third Appellate District      **DARBOUZE (JEAN MAX) ON  
H.C.**

Petition for review denied

The petition for review is denied.

This denial is without prejudice to petitioner filing in the Amador County Superior Court a petition for writ of habeas corpus challenging his current conditions of confinement. This court recognizes the recent surge in active cases of COVID-19 at Mule Creek State Prison, including over 400 cases in January. (Evid. Code, § 452, subds. (c), (h); Cal. Dept. of Corrections and Rehabilitation, Population COVID-19 Tracking (Mar. 28, 2022)

<https://www.cdcr.ca.gov/covid19/population-status-tracking/> [as of Mar. 28, 2022].)

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.)

**S273766**      B319032 Second Appellate District, Div. 7      **DALY (BRIAN) v. S.C.  
(ZHANG)**

Petition for review & application for stay denied

**S273767**      D080104 Fourth Appellate District, Div. 1      **FIDELMAN (KELLY) v.  
FIDELMAN (MARK)**

Petition for review & application for stay denied

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

Application to file over-length brief granted

Good cause appearing, appellant's "Application for Leave to File Oversized Reply Brief," filed on March 24, 2022, is granted. The appellant's reply brief must not exceed 62,500 words.

**S272637**

B308390 Second Appellate District, Div. 4

**PEOPLE v. NUNEZ-SHARP  
(DIEGO)**

Counsel appointment order filed

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

**S272790**

B311125 Second Appellate District, Div. 2

**PEOPLE v. TING (SUNNY  
HSIAO SHIN)**

Counsel appointment order filed

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

**S272815**

C092166 Third Appellate District

**PEOPLE v. ROBINSON, JR.,  
(RUSLEY)**

Counsel appointment order filed

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

**S272828**

C092707 Third Appellate District

**PEOPLE v. McDANIEL  
(ROBERT DEAN)**

Counsel appointment order filed

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

**S272890**      B304822 Second Appellate District, Div. 6

**PEOPLE v. ATWOOD  
(DONALD)**

Counsel appointment order filed

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

**S272966**      C093340 Third Appellate District

**PEOPLE v. McPHERSON  
(PATRICK JEROME)**

Counsel appointment order filed

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

**S272979**      C093043 Third Appellate District

**PEOPLE v. COLLINS  
(JOHNNY PAUL)**

Counsel appointment order filed

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

**S273024**      C092426 Third Appellate District

**PEOPLE v. WALLACE (JILES  
LEE)**

Counsel appointment order filed

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