

**SUPREME COURT MINUTES
MONDAY, MAY 24, 2021
SAN FRANCISCO, CALIFORNIA**

S062259**PEOPLE v. SCULLY
(ROBERT WALTER)**

Opinion filed: Judgment affirmed as modified

We remand the matter for resentencing on the prior prison term enhancement and affirm the judgment in all other respects.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Liu, Cuéllar, Kruger, Groban, Jenkins, and Jackson*, JJ.

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

S268913 C080867 Third Appellate District**ZOCHLINSKI (HOWARD) v.
HANDY (CALVIN)**

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

Having received the petition for review within the Court's original jurisdiction, the time for ordering review on the court's own motion is hereby extended to July 20, 2021. (Cal. Rules of Court, rule 8.512(c).)

S268585**HILL (BRIAN T.) 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 informal response is extended to June 21, 2021.

S171393**PEOPLE v. McDANIEL
(DON'TE LAMONT)**

Order filed

The request of appellant to allocate to amicus curiae California Constitutional Law Scholars 10 minutes of the appellant's 45-minute allotted time for oral argument is granted.

S178669**PEOPLE v. WYCOFF
(EDWARD MATTHEW)**

Order filed

The request of counsel for appellant in the above-referenced cause to be allotted 45 minutes of oral argument time is hereby granted.

S267299**PERRY ON DISCIPLINE**

Order filed

Due to clerical error on the part of the State Bar of California, the order filed April 19, 2021, on the suspension of ALLAN EARL PERRY, is hereby amended to read in its entirety:

“The court orders that ALLAN EARL PERRY (Respondent), State Bar Number 187568, 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 one year 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 January 7, 2021; 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 January 7, 2021. 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, and may be collected by the State Bar through any means permitted by law.

This order is entered nunc pro tunc to April 19, 2021.”

S267430**HOLBROOK ON
REINSTATEMENT**

Order filed

The order filed May 12, 2021, reinstating BRADLEY CHRISTOPHER HOLBROOK, is hereby amended to read in its entirety:

“Upon recommendation of the State Bar Court, the court orders that BRADLEY CHRISTOPHER HOLBROOK be reinstated as an attorney of the State Bar of California upon payment of fees and taking the oath required by law.

This order is entered nunc pro tunc to May 12, 2021.”

S267534

**Van AELSTYN ON
REINSTATEMENT**

Order filed

The order filed May 12, 2021, reinstating PHILIP MAXIMUS Van AELYSTYN, is hereby amended to read in its entirety:

“Upon recommendation of the State Bar Court, the court orders that PHILIP MAXIMUS Van AELSTYN be reinstated as an attorney of the State Bar of California upon payment of fees and taking the oath required by law.

This order is entered nunc pro tunc to May 12, 2021.”

S268185

E072444 Fourth Appellate District, Div. 2

**HERNANDEZ (ANTHONY) v.
STATE PERSONNEL BOARD
(CALIFORNIA
DEPARTMENT OF
CORRECTIONS &
REHABILITATION)**

Order filed

The order issued on April 14, 2021, extending the time for ordering review on the court’s own motion to June 10, 2021, is hereby vacated.

S260620

STOCKER ON DISCIPLINE

Probation revoked

The court orders that the probation of WILLIAM STOCKER (Respondent), State Bar Number 43872, is revoked. The court further orders that:

1. Respondent is suspended from the practice of law for a minimum of two years, 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 is given credit towards the two-year suspension for the period of involuntary inactive enrollment which commenced on January 23, 2021.

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, and may be collected by the State Bar through any means permitted by law.

S267822**CHANG ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEVE SUNGSOO CHANG (Respondent), State Bar Number 205082, is suspended from the practice of law in California for six months, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. 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 February 8, 2021; 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 February 8, 2021. 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, and may be collected by the State Bar through any means permitted by law.

S267831**DRAKE ON DISCIPLINE**

Recommended discipline imposed

The court orders that KAMBIZ DRAKE (Respondent), State Bar Number 271134, 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 six months 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 February 9, 2021; 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 February 9, 2021. 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, and may be collected by the State Bar through any means permitted by law. One-half of the costs must be paid with Respondent's annual fees for each of the years 2022 and 2023. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S267833**JOHNSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BYRON M. JOHNSON (Respondent), State Bar Number 304897, 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, and may be collected by the State Bar through any means permitted by law.

S267837**SMITH ON DISCIPLINE**

Recommended discipline imposed

The court orders that JEFFREY BRYAN SMITH (Respondent), State Bar Number 150095, 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 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 Decision filed on January 25, 2021; 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 January 25, 2021. 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, and may be collected by the State Bar through any means permitted by law.

S267840**ROY III ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DERIK JUSTIN ROY III (Respondent), State Bar Number 264052, 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 Patricia Vonzidkow, or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$17,500 plus 10 percent interest per year from February 8, 2019 (or reimburse the Client Security Fund, to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5). Reimbursement to the Fund is enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

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.

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$400.00 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law. 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, and may be collected by the State Bar through any means permitted by law.