SUPREME COURT MINUTES WEDNESDAY, JANUARY 17, 2024 SAN FRANCISCO, CALIFORNIA

S272238 G058604 Fourth Appellate District, Div. 3 PEOPLE v. CURIEL (FREDDY ALFREDO)

Request for modification denied

The Office of the State Public Defender's request for modification of the opinion is denied.

S282493 B325320 Second Appellate District, Div. 8 **PEOPLE v. LIVA (JOSEPH)** 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. Emanuel*, S280551 (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: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S282754 B322177 Second Appellate District, Div. 3 PEOPLE v. HATTER (CLAUDELL)

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. Emanuel*, S280551 (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: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S282850 B321228 Second Appellate District, Div. 6 PEOPLE v. BROWN (JOSEPH IRBY)

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. Lynch*, S274942 (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: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S282900 E079166 Fourth Appellate District, Div. 2

PEOPLE v. ARMENDAREZ, JR., (ANTHONY RAY)

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. Mitchell*, S277314 (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: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S283014 H050411 Sixth Appellate District

PEOPLE v. CARDENAS (RAYMOND 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. Hardin*, S277487 (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: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S283045 H050253 Sixth Appellate District

PEOPLE v. ORDONEZ (MICHAEL JOSEPH)

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. Walker*, S278309 (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: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S282343 A164164 First Appellate District, Div. 5

LUO (YU) v. BONTA (ROB)

Petition for review & publication request(s) denied

S282560 A166778 First Appellate District, Div. 2

GLAXOSMITHKLINE, LLC v. S.C. (APODACA)

S282566 C099088 Third Appellate District

BELCHER, SR., (ANTHONY D.) v. BONTA (ROB)

Petition for review denied

S282580 BALLESTEROS

(CATHLEEN) v. COURT OF APPEAL, FIFTH APPELLATE

DISTRICT (FRESNO

COUNTY DEPARTMENT OF

SOCIAL SERVICES)

Petition for writ of certiorari & application for stay denied

S282608 A166905 First Appellate District, Div. 4

Petition for review denied

IN RE A.K.

S282614 A166355 First Appellate District, Div. 4 IN RE UBER

TECHNOLOGIES WAGE &

HOUR CASES

The petitions for review are denied.

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

S282624 HAILE (TSEGAI) v. COURT

OF APPEAL, FIRST

APPELLATE DISTRICT, DIVISION ONE (HAILE)

Petition for writ of mandate/prohibition denied

S282631 A162930/A163318 First Appellate District, Div. 5 TRANSITION FINANCIAL

SERVICES, LLC v. WINTRUST BANK

Petition for review denied

S282637 B320605 Second Appellate District, Div. 4 RICHTER (YEHUDA) v.

MANBER (MARK)

S282641 G061697 Fourth Appellate District, Div. 3

CLARK, JR., (DEBORAH L. & EDWARD L.), MARRIAGE OF

Petition for review denied

S282660 E080784 Fourth Appellate District, Div. 2

Petition for review denied

IN RE K.P.

S282664 F085194 Fifth Appellate District PEOPLE v. WYNN, JR., (JAMES KEITH)

Petition for review denied

S282670 B322796 Second Appellate District, Div. 7 NASH (THOMAS) v. APREA (NINON)

The request for judicial notice is granted with respect to the Senate Judiciary Committee report (see Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2616 (1991-1992 Reg. Sess.)). In all other respects the request for judicial notice is denied.

The petition for review is denied.

S282687 B332882 Second Appellate District, Div. 8 SAADIA SQUARE, LLC v. S.C. (ALL-WAYS PACIFIC, LLC)

Petition for review denied

S282689 B313470/B316247/B317613

Second Appellate District, Div. 4

J. (PARRIS) v. U.
(CHRISTOPHER)

Petition for review denied

S282750 B316652 Second Appellate District, Div. 4 KERMANI (SIAMAK) v.

HYUNDAI MOTOR

AMERICA

Petition for review & publication request(s) denied

S282762 B332462 Second Appellate District, Div. 2 CAGLIERO (DYLAN) ON

H.C.

S282800 D080801 Fourth Appellate District, Div. 1 FCM INVESTMENTS, LLC v. GROVE PHAM, LLC

Petition for review denied

S282822 A166773 First Appellate District, Div. 3 MOORE (MARIA) ON H.C.

Petition for review denied

S282829 B319328 Second Appellate District, Div. 4 JOHNSON (CAMERON) v. S.C. (PEOPLE)

Petition for review denied

S282863 D080534 Fourth Appellate District, Div. 1 MARTIN (BREANNE) v. GLADSTONE (LESLIE T.)

Petition for review & depublication request(s) denied

S282867 F084807 Fifth Appellate District PEOPLE v. CAMPBELL (ROLAND BERNARD)

Petition for review denied

S282907 A162676 First Appellate District, Div. 2 PEOPLE v. SHAH (JAY C.);

BASSETT (CRAIG J.)

Petition for review denied

S282912 C097433 Third Appellate District PEOPLE v. MELONSON

(SIRTICE)

Petition for review denied

S282919 E079979 Fourth Appellate District, Div. 2 PEOPLE v. G. (R.)

Petition for review denied

S282921 A164628/A166029 First Appellate District, Div. 3 COPELAND (CARISSA) v.

BEHRE (MOGOS ZEREGABER)

S282933	C097507 Third Appellate District	PEOPLE v. GORDON
		(PATRICK BRUCE)

Petition for review denied

S282941 H049307 Sixth Appellate District PEOPLE v. WHITLEY (JACOB CRAIG)

Petition for review denied

S282956 F085277 Fifth Appellate District PEOPLE v. SANCHEZ (PASCUAL)

Petition for review denied

S282969 C097208 Third Appellate District PEOPLE v. GARCIA (STACEY LEE)

Petition for review denied

S282984 F085276 Fifth Appellate District PEOPLE v. JACINTO (ORACIO ALVAREZ)

Petition for review denied

S282986 F085025 Fifth Appellate District PEOPLE v. CORDERO

(EDDIE LEON)
Petition for review denied

Petition for review defiled

S282989 H050488 Sixth Appellate District PEOPLE v. MENDIOLA (LEONCIO RAMON)

Petition for review denied

S282990 A166989 First Appellate District, Div. 3 PEOPLE v. MALBROUGH

(HAROLD)

Petition for review denied

S282999 B261370 Second Appellate District, Div. 5 PEOPLE v. CORDER (BRIAN)

BOSEMAN)

S283001 E082403 Fourth Appellate District, Div. 2 **SAMBORSKI (DONALD RICHARD) ON H.C.**

Petition for review denied

S283003 A168962 First Appellate District, Div. 1 TOSCANO (BENJAMIN) ON H.C.

Petition for review denied

S283011 B324487 Second Appellate District, Div. 5 PEOPLE v. ODELL (FLOYD)

Petition for review denied

S283012 E081333 Fourth Appellate District, Div. 2 PEOPLE v. CASTANEDA (CARLOS ENRIQUE)

Petition for review denied

S283018 F085035 Fifth Appellate District PEOPLE v. HERNANDEZ (CESAR BENJAMIN)

Petition for review denied

S283020 D081317 Fourth Appellate District, Div. 1 PEOPLE v. URTEAGA (OSCAR NICHOLAS)

Petition for review denied

S283022 B312097 Second Appellate District, Div. 1 PEOPLE v. ALLEN (MARJON)

Petition for review denied

S283023 F082996 Fifth Appellate District PEOPLE v. CARRILLO (ANTHONY VIDAL)

Petition for review denied

S283025 A160687 First Appellate District, Div. 2 PEOPLE v. STEWART

(JOVHON)

S283027 A162542 First Appellate District, Div. 2 ORTIZ-FERNANDEZ (NORMA) v. LA CLINICA

Petition for review denied

S283030 C096254 Third Appellate District PEOPLE v. ERNST (SCOTT

KEITH)

Petition for review denied

S283043 C094760 Third Appellate District PEOPLE v. LAWSON, JR.,

(WILLIAM DAVID)

Petition for review denied

S283044 C097113 Third Appellate District PEOPLE v. CHRISTIANSON

(KIARA MARIE)

Petition for review denied

S283049 B314950 Second Appellate District, Div. 7 PEOPLE v. PERRY (LARRY

EUGENE)

Petition for review denied

S283071 G062018 Fourth Appellate District, Div. 3 PEOPLE v. CORDERO

(ISAAC GARZA)

Petition for review denied

S283075 AIDS HEALTHCARE

FOUNDATION v. WEBER (SHIRLEY N.)/(BANNON)

Petition for writ of mandate/prohibition & application for stay denied

S283153 IN RE A.P.

The petition for writ of error coram vobis and application for stay are denied.

S283223 A168979 First Appellate District, Div. 4 SAN FRANCISCO ZEN

CENTER, INC. v. S.C.

(BEHREND)

Petition for review & application for stay denied

S283262 B316930 Second Appellate District, Div. 1

GANDHI (ATUL) v. UMA ENTERPRISES, INC.

Petition for review & application for stay denied

S283327 B333935 Second Appellate District, Div. 2

SEDAGHAT (S. DAVID) v.

S.C. (LEVIN)

Petition for review & application for stay denied

S277942 HARRIS (TY ALAN) ON H.C.

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

S278704 RICHMOND (JAVIONNA S.)

ON H.C.

Petition for writ of habeas corpus denied

S281141 EDEM (ENEFIOK JOSEPH)

ON H.C.

Petition for writ of habeas corpus denied

S281201 HERRERA (RUBEN) ON H.C.

Petition for writ of habeas corpus denied

S281836 MOUNT (BILLY RAYMOND)

ON H.C.

Petition for writ of habeas corpus denied

S281857 JOHNSON (GEORGE I.) 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].)

S281861 CRAWFORD (DARRYL PIERRE) ON H.C.

Petition for writ of habeas corpus denied

S281890 BURNES (PIERCE LANGSTON) ON H.C.

Petition for writ of habeas corpus denied

S281899 JIMENEZ (DAVID) ON H.C.

Petition for writ of habeas corpus denied

S281949 VILLANUEVA (MARCO ANTONIO) ON H.C.

Petition for writ of habeas corpus denied

S281959 SANDERS (RICKY) ON H.C.

The petition for writ of habeas corpus is denied. 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]; *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]; *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence].)

S281960 WASHINGTON, SR., (DONALD) 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]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S282240 WEATHINGTON (ANTHONY) ON H.C.

Petition for writ of habeas corpus denied

S282180 A164026 First Appellate District, Div. 5 B. (L.) v. MORENO (WENDY)

Publication requests denied (case closed)

S282226 C089762 Third Appellate District DAVIS, CITY OF v. ZOCHLINSKI (HOWARD)

Publication request denied (case closed)

S282388 G062892 Fourth Appellate District, Div. 3 NEWTON (OHAGE) v. S.C. (PEOPLE)

Publication requests denied (case closed)

S282556 F085709 Fifth Appellate District IN RE SKY W.

Publication request denied (case closed)

S282935 B317838 Second Appellate District, Div. 7 IN RE GAEL C.

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.

S282598 D081840 Fourth Appellate District, Div. 1 **HUTCHERSON (NICOLE D.)** v. G&P ENTERPRISES, LLC

The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2024.

S282693 B321616 Second Appellate District, Div. 6 BRANCATI (DANA) v. CACHUMA VILLAGE, LLC

The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2024.

S282785 H051067 Sixth Appellate District BURGOS (FRANCISCO) ON H.C.

The time for granting or denying review in the above-entitled matter is hereby extended to February 16, 2024.

S282820 D080846 Fourth Appellate District, Div. 1 MARTINO (NICK), ESTATE OF

The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2024.

S282827 B320039 Second Appellate District, Div. 7 GLEASON (CAROLE), ESTATE OF

The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2024.

S282837 B316420 Second Appellate District, Div. 3

ACOSTA (LOUIS) v. MAS REALTY, LLC; HORIZON LIGHTING, INC.

The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2024.

S280000 B312862 Second Appellate District, Div. 8

OLYMPIC & GEORGIA PARTNERS, LLC v. COUNTY OF LOS ANGELES

Extension of time granted

On application of plaintiff and appellant and good cause appearing, it is ordered that the time to serve and file the response to amicus curiae briefs is extended to March 1, 2024.

S282314

BRADSHAW ON DISCIPLINE

Extension of time granted – DREXEL ANDREW BRADSHAW

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to February 7, 2024.

S206515

PEOPLE v. MILLS (DAVID)

Order filed

Appellant's "Application for an Order Staying Collection of Restitution Until the Appeal of This Matter Is Final," filed on June 30, 2023, is granted.

S282741

BROOKS-MONTGOMERY ON DISCIPLINE

Recommended discipline imposed

The court orders that CRISTINA MARIE BROOKS-MONTGOMERY (Respondent), State Bar Number 229007, 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 Order Approving Stipulation filed on October 12, 2023; 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 October 12, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing 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.

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$2,500 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.

S282742

GUISTI ON DISCIPLINE

Recommended discipline imposed

The court orders that MICHAEL L. GUISTI (Respondent), State Bar Number 200914, 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 a minimum of the first 30 days of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent must provide an accounting to Shahid Saleem and furnish satisfactory proof of compliance to the State Bar's Office of Probation; and
 - ii. If Respondent remains suspended for two years or longer as a result of not satisfying the preceding requirement, Respondent must also provide proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law before the suspension will be terminated. (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 6, 2023.
- 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 6, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$2,500 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.

S282782 LANCELLE ON RESIGNATION

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with charges pending of CORA JEAN LANCELLE (Attorney), State Bar Number 111762, as an attorney of the State Bar of California is accepted. If Attorney subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against Attorney.

Attorney must comply with California Rules of Court, rule 9.20, and perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].) Failure to do so may be considered in any future reinstatement proceeding. 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.

BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS (MOTION NO. 1649)

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)



SUPREME COURT OF CALIFORNIA ORAL ARGUMENT CALENDAR SACRAMENTO SESSION FEBRUARY 6, 2024

In accordance with <u>Administrative Order 2023-05-11</u>, the Supreme Court has resumed inperson oral argument sessions. Counsel have the option to appear in person at these sessions, or remotely via video. The public may attend in person and will also continue to have access to argument via live-streaming on the judicial branch website: https://supreme.courts.ca.gov/.

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento, California, on February 6, 2024.

<u>TUESDAY, FEBRUARY 6, 2024 — 10:00 A.M.</u>

- (1) Ruelas (Armida) et al. v. County of Alameda et al., S277120
- (2) People v. McDavid (Weldon K., Jr.), S275940

1:30 P.M.

- (3) People v. Flores (Marlon), S267522
- (4) People v. Reynoza (Raymond Gregory), S273797

GUERRERO
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)