

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 22, 2023
SAN FRANCISCO, CALIFORNIA**

S277628 D079364/D079369 Fourth Appellate District, Div. 1 **MORGAN (BARBARA) v. YGRENE ENERGY FUND, INC.**

Petition for review granted

The request for judicial notice is denied.

The petition for review is granted.

The requests for an order directing depublication of the opinion are denied.

Pending review, the opinion of the Court of Appeal, which is currently published at 84 Cal.App.5th 1002, may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict. (See *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion*, Administrative Order 2021-04-21; Cal. Rules of Court, rule 8.1115(e)(3) and corresponding Comment, par. 2.)

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S278056 H049673 Sixth Appellate District

**PEOPLE v. CELESTINE
(MOSES 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 related issues in *People v. Catarino*, S271828, and *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.

S278089 A166004 First Appellate District, Div. 5

**RICHMOND SHORELINE
ALLIANCE v. CITY OF
RICHMOND (HRP CAMPUS
BAY PROPERTY, LLC)**

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 *Meinhardt v. City of Sunnyvale*, S274147 (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.

S278132 E077916 Fourth Appellate District, Div. 2

**PEOPLE v. GARCIA
(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. Reyes*, S270723 (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.

S274885

**SANDERS (PHILLIP C.) ON
H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause before the Los Angeles County Superior Court, when ordered on calendar, why petitioner's sentence for conspiracy to commit murder is authorized. (See *People v. Beck* (2019) 8 Cal.5th 548, 665.) The return must be served and filed on or before March 24, 2023. Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S275724

**RUPE (PAUL ANTHONY) ON
H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause, returnable before the Riverside County Superior Court, why petitioner is not entitled to relief on the grounds: (1) preventing him from eating and purchasing pork products while participating in the Religious Meat Alternate Program (Cal. Code Regs., tit. 15, § 3054.4) violates the Religious Land Use and Institutionalized Persons Act, the free exercise clauses of the state and federal

Constitutions, and Penal Code sections 2600 and 5009; and (2) providing Jewish and Muslim inmates with free accommodation for their religiously mandated diets (see Cal. Code Regs., tit. 15, §§ 3054.4, 3054.5), while not providing such accommodation to inmates practicing Druidry, violates the equal protection clauses of the state and federal Constitutions. The return must be served and filed on or before March 24, 2023.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Jenkins, and Evans, JJ.

S275435

**SANDERS (PHILLIP C.) v.
S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

S277548 G059837 Fourth Appellate District, Div. 3
Petition for review denied

W. (TIMOTHY) v. W. (JULIE)

S277775 E074418 Fourth Appellate District, Div. 2

**R. (N.) v. SAN BERNARDINO
COUNTY CHILDREN &
FAMILY SERVICES**

Petition for review denied

S277778 C092537 Third Appellate District

**SELENE FINANCE LP v.
FIRST GROUP
INVESTMENTS, LLC**

Petition for review denied

S277809 E077395 Fourth Appellate District, Div. 2

**DAVIS (EARNEST A.) v.
PORSCHE CARS OF NORTH
AMERICA**

Petition for review denied

S277820 C094514 Third Appellate District

**WRIGHT (CHEVAL
SHANNON) ON H.C.**

Petition for review denied

S277829 A162303 First Appellate District, Div. 3

**PEOPLE v. O'DAY
(MATTHEW TIMOTHY)**

Petition for review denied

Liu and Evans, JJ., are of the opinion the petition should be granted.

S277837 C093124 Third Appellate District

**ATLANTIC RICHFIELD
COMPANY v. CALIFORNIA
REGIONAL WATER
QUALITY CONTROL
BOARD, CENTRAL VALLEY
REGION**

The petition for review is denied.

The petition for writ of supersedeas is denied.

S277840 B314946 Second Appellate District, Div. 3

**BROWN (KYLE) v. BEACH
HOUSE DESIGN &
DEVELOPMENT**

Petition for review denied

S277859 A160637 First Appellate District, Div. 1

**PEOPLE v. COWELL (JOHN
LEE)**

Petition for review denied

S277896 B322579 Second Appellate District, Div. 7

**KING (FRED) v. McMICHAEL
(KENDAL MARIE)**

Petition for review & publication request(s) denied

S277916 C093334 Third Appellate District

**ALLEY (ANDREA) v. OFFICE
OF LAW ENFORCEMENT
SUPPORT**

Petition for review denied

S277959 C095046 Third Appellate District

**WV 23 JUMPSTART, LLC v.
MYNARCIK (TIGER)**

Petition for review denied

S277960 G059429 Fourth Appellate District, Div. 3

**W. (TIMOTHY) v. W. (JULIE);
ECHAVARRIA, SR., (RONNIE
DEAN)**

Petitioner's request to file the unredacted petition for review under seal is granted. (Cal. Rules of Court, rules 2.550(d), 8.46(d).) In ordering the sealing, this court makes the findings required by California Rules of Court, rules 2.550(d) and 8.46(d)(6). The clerk is directed to file the unredacted petition for review under seal.

The petition for review is denied.

The request for an order directing depublication of the opinion is denied.

S277972 B312985 Second Appellate District, Div. 1

**PATEL (BALUBHAI) v.
CHAVEZ (MANUEL)**

Petition for review denied

S277975 A163211 First Appellate District, Div. 4

**PEOPLE v. GONZALEZ
(JOSE ALBERTO)**

Petition for review denied

S278007 B313716 Second Appellate District, Div. 3

**SAINT-VICTOR (OLIVIER) v.
RALPHS GROCERY
COMPANY**

Petition for review denied

S278024 D079865 Fourth Appellate District, Div. 1

**PEOPLE v. BARBER
(GREGORY WAYNE)**

Petition for review denied

S278084 A161927/A162077 First Appellate District, Div. 2

**PEOPLE v. CRUZ-ZEPEDA
(ALEXIS)**

Petition for review denied

S278092 G060465 Fourth Appellate District, Div. 3

**FORRESTER (HUMPHREY
V.) v. AIRBORNE SYSTEMS
NORTH AMERICA OF CA,
INC.**

Petition for review denied

S278097 C095867 Third Appellate District

**PEOPLE v. SPHARLER
(BRANDON LYLE)**

Petition for review denied

S278115 H050527 Sixth Appellate District

Petition for review & application for stay denied

**FLOYD (MICHAEL DEVIN) v.
S.C. (PEOPLE)**

S278119 E078509 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. LEWIS (ERIC
STEPHEN)**

S278120 A163739 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. FLOWERS
(MICHAEL DENNIS)**

S278122 F080073 Fifth Appellate District

Petition for review denied

PEOPLE v. McKIE (DANIEL)

S278123 G061032 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. PISANO
(WILLIAM ANTON)**

S278125 E077360 Fourth Appellate District, Div. 2

Petition for review denied

**JEREMIAH (MARIE) v.
WELLS FARGO BANK, N.A.**

S278126 C093216 Third Appellate District

Petition for review denied

**PEOPLE v. CASTRO
(EDUARDO AGUILAR)**

S278139 F084091 Fifth Appellate District

Petition for review denied

IN RE L.L.

S278181 F083011 Fifth Appellate District

Petition for review denied

**HERNANDEZ (CONNIE) v.
MENDOZA (OCTAVIO
LOPEZ)**

S278184 B306345 Second Appellate District, Div. 6 **PEOPLE v. LAVI (NASSER)**
Petition for review denied

S278201 B314959 Second Appellate District, Div. 5 **PEOPLE v. JOHNSON
(LACEDRICK DONTAI)**
Petition for review denied

S278202 F081343 Fifth Appellate District **PEOPLE v. CHAVOYA (AMY
LOUISE)**
Petition for review denied

S278203 B314571 Second Appellate District, Div. 1 **PEOPLE v. MORRIS
(REGINALD LEON)**
Petition for review denied

S278204 B308578/B310949 Second Appellate District, Div. 6 **PEOPLE v. LEZAMA
(GEOVANNI)**
Petition for review denied
Groban, J., is of the opinion the petition should be granted.

S278216 B313211 Second Appellate District, Div. 6 **PEOPLE v. GUZMAN
(ALEXIS)**
Petition for review denied

S278218 B312263 Second Appellate District, Div. 3 **PEOPLE v. WALLQUIST
(CARL GUSTAVE)**
Petition for review denied

S278219 A163941 First Appellate District, Div. 1 **PEOPLE v. JOHNSON
(CHASITY HOPE)**
Petition for review denied

S278220 G060745 Fourth Appellate District, Div. 3 **PEOPLE v. MILLER
(CHARLES THOMAS)**
Petition for review denied

S278222 B319876 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. SANDERS
(RICKY)**

S278224 B324870 Second Appellate District, Div. 2

Petition for review denied

**LANDRUM, SR., (JAMES) ON
H.C.**

S278486 A166848 First Appellate District, Div. 2

Petition for review & application for stay denied

**BRAXTON (SIMONE) v. S.C.
(U.S. BANK, N.A.)**

S275813

The Attorney General's request for judicial notice is granted.

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].)

**GONZALEZ (LUIS MIGUEL)
ON H.C.**

S276609

Petition for writ of habeas corpus denied

HARDNEY (JOHN) ON H.C.

S276835

Petition for writ of habeas corpus denied

**HARRISON (DAVID SCOTT)
ON H.C.**

S276849

Petition for writ of habeas corpus denied

PEREZ (URIEL) ON H.C.

S277039

Petition for writ of habeas corpus denied

NAMAUU (JONAH) ON H.C.

S277065

Petition for writ of habeas corpus denied

**GALLAGHER (BRET DEON)
ON H.C.**

S277106**SPICER (STAFFORD JOEL)
ON H.C.**

Petition for writ of habeas corpus denied

S277216**DOTSON (DARRYL
ALVERTIS) 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].)

S277267**ZIMMERMAN (CLARENCE)
ON H.C.**

Petition for writ of habeas corpus denied

S277277**HERNANDEZ (BRIAN) ON
H.C.**

Petition for writ of habeas corpus denied

S277290**MYERS (CHRISTOPHER) ON
H.C.**

The petition for writ of habeas corpus is denied. (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].)

S277490**HARDY (KRISTIN L.) ON
H.C.**

The petition for writ of habeas corpus is denied as moot and without prejudice to filing a new petition challenging his current conditions of confinement.

S277525**WARD (MICHAEL M.) ON
H.C.**

Petition for writ of habeas corpus denied

S278183**PHILLIPS, JR., (ERIC
JEROME) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S278375**PHILLIPS, JR., (ERIC
JEROME) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S278450**LEWIS (KEVIN) ON H.C.**

Petition for writ of habeas corpus denied

S278452**BOOKER (IAN EMERAL) ON
H.C.**

Petition for writ of habeas corpus denied

S277645

B316601 Second Appellate District, Div. 7

**MEDICAL STAFF OF ST.
MARY MEDICAL CENTER v.
ST. MARY MEDICAL
CENTER**

Publication request denied (case closed)

S277677

G059573 Fourth Appellate District, Div. 3

**WILLIAMS (JOSEPH &
ROBIN), MARRIAGE OF**

Publication request denied (case closed)

S277834

A163046 First Appellate District, Div. 3

PEOPLE v. GARCIA (MARIO)

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.

S278233

D079906 Fourth Appellate District, Div. 1

**LET THEM CHOOSE v. SAN
DIEGO UNIFIED SCHOOL
DISTRICT**

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.

S278740 E079487 Fourth Appellate District, Div. 2 **IN RE Z.B.**
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 April 24, 2023. (Cal. Rules of Court, rule 8.512(c).)

S128402

**PEOPLE v. DONALDSON
(JASARI LATIFUL)**

Record augmentation granted

Appellant's "Motion to Augment the Record on Appeal," filed on November 7, 2022, is granted. (Cal. Rules of Court, rules 8.634(c) and 8.155.) The superior court is directed to augment the record with the material requested in appellant's "Notice of Omission of Required Portion of the Record," filed in that court on October 5, 2022. The certification for accuracy and transmittal to this court and the parties of the augmented clerk's and reporter's transcripts is due April 24, 2023.

S277482 C086562 Third Appellate District

**PEOPLE v. GONZALEZ
(JUSTIN MATTHEW)**

Order filed

Good cause appearing, the motion of Justin Matthew Gonzalez filed January 26, 2023, to partially dismiss review in this matter is granted. For good cause shown, this case is hereby severed as to defendant Gonzalez and defendant Alexis Ivan Velazquez. As to Gonzalez, review is dismissed and the matter remanded to the Court of Appeal, Third Appellate District. As to Velazquez, the matter is retained for decision, as previously ordered, under this case number and with the new title as follows:

THE PEOPLE, Plaintiff and Respondent,

v.

ALEXIS IVAN VELAZQUEZ, Defendant and Appellant.

S278716

AYERS ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTAN LORAN AYERS, State Bar Number 107882, as an attorney of the State Bar of California is accepted.

S278718**FRANKLIN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT JASON FRANKLIN, State Bar Number 225424, as an attorney of the State Bar of California is accepted.

S278719**NASH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LAURA SMITH NASH, State Bar Number 183152, as an attorney of the State Bar of California is accepted.

S278720**POLAND ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES LLOYD POLAND, State Bar Number 213509, as an attorney of the State Bar of California is accepted.

S278722**TAPIA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PEGGY ANN-MARIE TAPIA, State Bar Number 338205, as an attorney of the State Bar of California is accepted.

S278723**WINTROUB ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID L. WINTROUB, State Bar Number 39940, as an attorney of the State Bar of California is accepted.

S278724**BOLAND ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DANIEL BERNARD BOLAND, State Bar Number 209506, as an attorney of the State Bar of California is accepted.

S278725**FORSGAARD ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARY DANFORD FORSGAARD, State Bar Number 113124, as an attorney of the State Bar of California is accepted.

S278728**HAMILL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BRENDAN R. HAMILL, State Bar Number 284069, as an attorney of the State Bar of California is accepted.

S278729**SHINNEMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ERIN MIKEL SHINNEMAN, State Bar Number 296554, as an attorney of the State Bar of California is accepted.

S278730**EATHERLY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES RONALD EATHERLY, State Bar Number 89472, as an attorney of the State Bar of California is accepted.

S278732**MASLOW ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LISA SPANN MASLOW, State Bar Number 112105, as an attorney of the State Bar of California is accepted.

S278734**MILLER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ERIN MILLER, State Bar Number 150626, as an attorney of the State Bar of California is accepted.

S278737

MONROE ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of MITCHELL EVAN MONROE, State Bar Number 167142, as an attorney of the State Bar of California is accepted.

S278738

**MUENCHAU ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DARYL DEAN MUENCHAU, State Bar Number 195396, as an attorney of the State Bar of California is accepted.

S278739

**WALMSLEY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KIM RENEE WALMSLEY, State Bar Number 184713, as an attorney of the State Bar of California is accepted.