SUPREME COURT MINUTES WEDNESDAY, FEBRUARY 28, 2024 SAN FRANCISCO, CALIFORNIA

S283319 D080333 Fourth Appellate District, Div. 1 PEOPLE v. SAMOATA (MATATOA)

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. McDavid*, S275940 (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.

S283484 F083958 Fifth Appellate District

PEOPLE v. NICHOLS (ERIC LAVELLE)

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. Bankston*, S044739 and *People v. Hin*, S141519 (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.

S283490 C097619 Third Appellate District

PEOPLE v. COLLINS (JOHNNY PAUL)

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.

S283516 F084001 Fifth Appellate District

PEOPLE v. FOREMAN (TREVON LEE)

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. Bankston*, S044739, *People v. Hin*, S141519, and *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.

S283530 A165406 First Appellate District, Div. 1

PEOPLE v. HALL (GARY MARCUS)

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.

S283545 C096642 Third Appellate District

PEOPLE v. WHITLATCH (ANDREW)

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.

S283551 H050174 Sixth Appellate District

BACON (JAY) v. BMW OF NORTH AMERICA, 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 *Ford Motor Warranty Cases*, S279969 (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.

S283574 E080712 Fourth Appellate District, Div. 2 PEOPLE v. WALZ (PHILLIP EDWARD)

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.

S283259 F087108 Fifth Appellate District **ANGUIANO (JOSE) ON H.C.** Petition for review granted; transferred to Court of Appeal, Fifth Appellate District, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Fifth Appellate District. That court is ordered to vacate its summary denial dated December 20, 2023, and is further ordered to issue an order to show cause, returnable before the Tulare County Superior Court. The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause, when the matter is placed on calendar, why petitioner is not entitled to the stay of the gang enhancement under Penal Code section 186.22, subdivision (b)(5), based on the language of Penal Code section 12022.53, subdivision (e)(2). (Cal. Rules of Court, rule 8.528(d); see pages 10-13 of the Attorney General's answer filed in this court on January 31, 2024.)

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

S283002 BENNETT (RONALD DALE) v. S.C. (PEOPLE)

Petition for writ of mandate/prohibition denied

S283033 D081194 Fourth Appellate District, Div. 1 BARBA (ASHLEYMARIE) v. BONTA (ROB)

Petition for review & publication request(s) denied

S283111 B327083 Second Appellate District, Div. 3 PEOPLE v. MUHAMMAD (ABDUL QADIR)

Petition for review denied

S283151 B321699 Second Appellate District, Div. 3 **JAJ3, LLC v. BREN (CARY)** Petition for review denied

S283154 B333613 Second Appellate District, Div. 8 ABOOLIAN (ANET) v. S.C. (MINASSIAN)

Petition for review denied

S283170 B313614 Second Appellate District, Div. 3 CHOI (JOSEPH) v. HUANG (AMY)

Petition for review denied

S283173 D081761 Fourth Appellate District, Div. 1 PEOPLE v. DAVILA (EDGARD)

Petition for review denied

S283192 B327494 Second Appellate District, Div. 2 WEST HOLLYWOOD, CITY OF v. S.C. (CASA GREENE, INC.)

Petition for review denied

S283193 B333130 Second Appellate District, Div. 5 LIBMAN (MICHAEL J.) v. S.C. (JONES)

Petition for review denied Groban, J., was recused and did not participate.

S283195 B326119 Second Appellate District, Div. 3 IN RE KAYLA W. Petition for review & depublication request(s) denied

S283200 B327466 Second Appellate District, Div. 2 SANTA MONICA, CITY OF v. S.C. (CASA GREENE, INC.)

Petition for review denied

S283205 D081409 Fourth Appellate District, Div. 1 PEOPLE v. GREEN (THOMAS CHRISTOPHER)

Petition for review denied

S283209 F083807/F083833 Fifth Appellate District PEOPLE v. CASTRO, JR., (VICTOR)

Petitions for review denied

S283210 B327448 Second Appellate District, Div. 2 LOS ANGELES, COUNTY OF v. S.C. (CASA GREENE, INC.)
Petition for review denied

S283226 B327447 Second Appellate District, Div. 2 LOS ANGELES, CITY OF v. S.C. (CASA GREENE, INC.)

Petition for review denied

S283231 B327137 Second Appellate District, Div. 6 CISNEROS (EDGAR) v. ALCO HARVEST, INC.

Petition for review denied

S283264 B321696 Second Appellate District, Div. 5 WILEN (SETH) v. THE CHURCHILL

CONDOMINIUM ASSOCIATION

The request for judicial notice is granted.

The petition for review is denied.

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

S283292 B326891 Second Appellate District, Div. 1 PEOPLE v. AGUILAR (ALFREDO DIAZ)

Petition for review denied

S283309 C097099 Third Appellate District PEOPLE v. LEAL (FABRIZIO)

Petition for review denied

S283325 A164550 First Appellate District, Div. 2 THOMAS (RENEE) v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Petition for review & depublication request(s) denied

S283334 B328638 Second Appellate District, Div. 1 PEOPLE v. HARO (IVAN)

Petition for review denied

S283363 H049957 Sixth Appellate District PEOPLE v. RAMIREZ (ALFREDO)

Petition for review denied

S283371 F085298 Fifth Appellate District PEOPLE v. MARTINEZ (ROBERT ANTHONY)

Petition for review denied

S283372 B325710 Second Appellate District, Div. 4 PEOPLE v. ALVES (ROBERT)

Petition for review denied

S283373 C098599 Third Appellate District PEOPLE v. BROOKS (ROY)

Petition for review denied

S283395 B321450 Second Appellate District, Div. 1 WHITTIER, CITY OF v.

EVEREST NATIONAL INSURANCE COMPANY

Petition for review & depublication request(s) denied

S283397 A164934 First Appellate District, Div. 1 PEOPLE v. KEEFER, SR.,

(RICKIE LEE)

Petition for review denied

S283408 C097282 Third Appellate District PEOPLE v. PLATZ

(ANTHONY)

Petition for review denied

S283414 B323750 Second Appellate District, Div. 6 IN RE J.R.

Petition for review denied

S283418 G062736 Fourth Appellate District, Div. 3 BELTRAN (STEPHANIE) v.

HARD ROCK HOTEL

LICENSING, INC.; MAXUM INDEMNITY COMPANY

Petition for review denied

Petition for review denied

S283439 Petition for re	B320740 Second Appellate District, Div. 5 view denied	PEOPLE v. MENDEZ (MARTIN)
S283453 Petition for re	D081199 Fourth Appellate District, Div. 1 view denied	PEOPLE v. WARREN (ADE JESSIE)
S283457 Petition for re	A166406 First Appellate District, Div. 3 view denied	McATEE (TERESA) v. SHAKE SHACK INC.
S283475 Petition for re	D082016 Fourth Appellate District, Div. 1 view denied	PEOPLE v. SOLTERO (VICTOR DANIEL)
S283487 Petition for re	G061812 Fourth Appellate District, Div. 3 view denied	PEOPLE v. LAGUNAS (MAXIMINO DELGADO)
S283488 Petition for re	A167368 First Appellate District, Div. 5 view denied	PEOPLE v. GOODWIN (JASON)
S283494 Petition for re	E082543 Fourth Appellate District, Div. 2 view denied	PEOPLE v. ESTRADA (MOSES D.)
S283498 Petition for re	B323807 Second Appellate District, Div. 5 view denied	PEOPLE v. ESPARZA (JAVIER)
S283500	D083347 Fourth Appellate District, Div. 1	SALTON CITY PETROLEUM, INC. v. S.C. (RIEGER)

PEOPLE v. HOHMANN S283503 A167916 First Appellate District, Div. 2 (ROBERT CHARLES) Petition for review denied S283505 D081345 Fourth Appellate District, Div. 1 PEOPLE v. ROCHA (ARTHUR) Petition for review denied S283514 F087302 Fifth Appellate District SINGH (PARDEEP) ON H.C. Petition for review denied D081079 Fourth Appellate District, Div. 1 S283517 PEOPLE v. HATFIELD (ALBERT JAMES) Petition for review denied S283519 G061521 Fourth Appellate District, Div. 3 PEOPLE v. MEHTA (PRATITI RENEE) Petition for review denied S283527 G061637 Fourth Appellate District, Div. 3 PEOPLE v. ABRIL (EFREN) Petition for review denied S283529 A169208 First Appellate District, Div. 4 SABRAH (WALEED) v. S.C. (CHOW) Petition for review denied C097696 Third Appellate District PEOPLE v. WALTON II S283550 (GREGORY WAYNE) Petition for review denied B313095 Second Appellate District, Div. 5 S283552 **JONES (ANTWON) v. CITY** OF LOS ANGELES; LIBMAN

(MICHAEL J.)

Petition for review denied

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

S283555 F087390 Fifth Appellate District

Petition for review denied

SINGH (PARDEEP) ON H.C.

S283557 E081190 Fourth Appellate District, Div. 2

PEOPLE v. BROWN (KENYON DARRELL)

Petition for review denied

S283572 B332946 Second Appellate District, Div. 4

BRATTON (RONALD) ON

H.C.

Petition for review denied

S283577 B323689 Second Appellate District, Div. 4

PEOPLE v. SIDA (DEREK)

Petition for review denied

S282425

HOFFER (MICHAEL ALLEN) 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].)

S282441

BARAJAS (SAMUEL) ON H.C.

The petition for writ of habeas corpus has been read and considered. Petitioner contends, among other claims, that he is entitled to relief under the Racial Justice Act of 2020 (Pen. Code, § 745) and requests the appointment of counsel. The petition does not satisfy the statutory requirements for the appointment of counsel under the Racial Justice Act. (Pen. Code, § 1473, subd. (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts constituting a violation of the Racial Justice Act].) Petitioner does not allege any actions in his trial concerning displays of racial bias or use of racially discriminatory language, and the transcripts he attaches to the petition do not reveal any bias or animus towards petitioner because of petitioner's race, ethnicity, or national origin. (Pen. Code, § 745, subd. (a)(1).) Furthermore, he does not explain how his plea agreement resulted in a longer or more severe sentence imposed as a result of his race, ethnicity, or national origin. (Cf. In re Swain (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; cf. also *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

The request for counsel is denied.

The petition for writ of habeas corpus is denied.

DAVIS (MARQUISE DESHAWN) 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].)

S282619

SEVCHUK (GENNADIY) ON H.C.

Petition for writ of habeas corpus denied

S282638

CLARK (ROBERT ARTHUR) 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]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S282642

BROWNLEE (TERRENCE) ON H.C.

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].) 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 Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S282883

HANEY (BRUCE PATRICK) 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].)

S282930

PATTERSON (VESTER L.) 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].)

HAYNIE (DONELL THOMAS) ON H.C.

Petition for writ of habeas corpus denied

S283354

JOHNSON III (FOSTER) ON H.C.

Petition for writ of habeas corpus denied

S283472

HURT (GERALD) 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].)

S283526

PHILLIPS, JR., (ERIC JEROME) 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].)

S283746

KALSO (ZACHARY LLOYD) 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]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S283770

KALSO (ZACHARY LLOYD) 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]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S283098 A166761 First Appellate District, Div. 3 **IN RE ESTRELLA M.** Publication request denied (case closed)

PEOPLE v. COLBERT (TECUMSEH N.)

Extension of time granted

Upon application of Senior Deputy State Public Defender Lisa D'Orazio, an extension of time in which to serve and file appellant's second supplemental reply brief is granted to March 26, 2024.

S169750

PEOPLE v. McGHEE (TIMOTHY JOSEPH)

Application to file over-length brief granted

Appellant's, "Application to File an Oversized Appellant's Supplemental Opening Brief", filed on February 26, 2024, is granted.

S182059

PEOPLE v. VARNER (SCOTT PAUL)

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 6, 2024.

S221846

PEOPLE v. HALEY (KEVIN BERNARD)

Extension of time granted

Based upon Senior Deputy State Public Defender Samuel Weiscovitz's representation that the appellant's opening brief is anticipated to be filed by September 30, 2024, an extension of time in which to serve and file that brief is granted to May 6, 2024. After that date, only three extensions totaling about 147 additional days are 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).)

S226647

PEOPLE v. MAGAÑA (BELINDA) & NARINE (NARESH)

Extension of time granted

On application of appellant Belinda Magaña, it is ordered that the time to serve and file appellant's opening brief is extended to May 6, 2024.

PEOPLE v. PASASOUK (KA)

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 6, 2024.

S279670

B320352 Second Appellate District, Div. 3

PEOPLE v. PATTON (RAMON)

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to April 3, 2024.

S280256

B314490 Second Appellate District, Div. 8

FUENTES (EVANGELINA YANEZ) v. EMPIRE NISSAN, INC.

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to March 26, 2024.

S280969

EADDY (DESMOND L.) ON H.C.

Extension of time granted

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to March 28, 2024.

S280572

E079651 Fourth Appellate District, Div. 2 IN RE Ja.O.

Order filed

The order filed on February 23, 2024, extending the time to file the reply brief on the merits is hereby amended in its entirety to read as follows:

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to March 12, 2024.

KELLEY ON DISCIPLINE

Order filed - TROY XAVIER KELLEY

The order filed in the above matter on January 29, 2024, is amended to read as follows: The order imposing discipline in the above-entitled case is stayed pending the court's disposition of the petition for rehearing.

S283539 ACCUSATION OF BAXTER

Petition denied (accusation)

S283540 ACCUSATION OF BAXTER

Petition denied (accusation)

S283564 ACCUSATION OF

ZIMMERMAN

Petition denied (accusation)

S283242 ALBERT ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that JAMES JOSEPH ALBERT (Respondent), State Bar Number 150568, 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 (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 \$5,000 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

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.

ANGELES ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of JOSEPH MARCELINO ANGELES, State Bar Number 178440, as an attorney of the State Bar of California is accepted.

S283917

HOLTOM ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of GREGORY LANE HOLTOM, State Bar Number 90525, as an attorney of the State Bar of California is accepted.

S283918

KIM ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of NAM YON KIM, State Bar Number 170997, as an attorney of the State Bar of California is accepted.

S283933

LEE ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of DEVON MARIE LEE, State Bar Number 201401, as an attorney of the State Bar of California is accepted.

S283936

LoBIANCO ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of ALFRED L. LoBIANCO, State Bar Number 153214, as an attorney of the State Bar of California is accepted.

S283937

MAYFIELD ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of EARL NEVILLE MAYFIELD, State Bar Number 213176, as an attorney of the State Bar of California is accepted.

SCHMITZ-ROBINSON ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of ELIZABETH JANE SCHMITZ-ROBINSON, State Bar Number 300476, as an attorney of the State Bar of California is accepted.