

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 1, 2023
SAN FRANCISCO, CALIFORNIA**

S277893

**ANOTHER PLANET
ENTERTAINMENT, LLC v.
VIGILANT INSURANCE
COMPANY**

Request for certification granted

The court grants the request, made pursuant to California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit.

For the purposes of briefing and oral argument, appellant Another Planet Entertainment, LLC, is deemed the petitioner in this court. (Cal. Rules of Court, rule 8.520(a)(6).)

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

S278262

C094949 Third Appellate District

**PEOPLE v. CARTER
(ISHMAEL MICHAEL)**

Petition for review granted; issues limited

The petition for review is granted.

The issue to be briefed and argued is limited to the following: Did the trial court deprive defendant of effective assistance of counsel by failing to appoint substitute counsel to evaluate and potentially argue defendant's pro. per. motion to dismiss after appointed counsel refused to consider the motion based on an asserted conflict in arguing her own ineffective assistance of counsel?

Pending review, the opinion of the Court of Appeal, which is currently published at 86 Cal.App.5th 739, 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.

S277900 D078399 Fourth Appellate District, Div. 1 **PEOPLE v. HERBERT
(JOSHUA RYAN)**

Petition for review granted; briefing deferred

The People's petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Rojas*, S275835 (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. Defendant's petition for review is denied.

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

S278070 B319941 Second Appellate District, Div. 8 **IN RE D.D.**

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 *In re Dezi C.*, S275578 (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.

S278072 B311885 Second Appellate District, Div. 2 **PEOPLE v. ORTEZ
(FRANCISCO ANTONIO)**

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. Lynch*, S274942, and *People v. Salazar*, S275788 (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.

S277802 B321910 Second Appellate District, Div. 7 **CONAGRA FOODS, INC. v.
WORKERS'
COMPENSATION APPEALS
BOARD & CALIFORNIA
INSURANCE GUARANTEE
ASSOCIATION**

Petition for review denied

S277827 E080122 Fourth Appellate District, Div. 2

**SAN BERNARDINO,
COUNTY OF v. S.C.
(FREEDOM FOUNDATION)**

Petition for review denied

S277832 C092139 Third Appellate District

**DEPARTMENT OF FINANCE
v. COMMISSION ON STATE
MANDATES (COUNTY OF
SAN DIEGO)**

Petition for review & depublication request(s) denied

S277835

**GEORGE (JOSEPH) v.
COURT OF APPEAL,
FOURTH APPELLATE
DISTRICT, DIVISION ONE
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S277846 G060210 Fourth Appellate District, Div. 3

**COVER RIGHT ROOFING,
INC. v. STATE
COMPENSATION
INSURANCE FUND**

The request for judicial notice is denied.
The petition for review is denied.

S277851 B324049 Second Appellate District, Div. 5

**MEDEROS (EDEN) v. S.C.
(TESLA, INC.)**

Petition for review denied

S277863 B314638 Second Appellate District, Div. 5

**PEOPLE v. JOHNSON
(KENDAL)**

Petition for review denied

S277897 H046063 Sixth Appellate District

**THE LAW FIRM OF KALLIS
& ASSOCIATES, P.C. v.
PADGETT (JOSEPH P.)**

Petition for review denied

S277899 B315309 Second Appellate District, Div. 2

**VALDEZ (MARK) v. COSTCO
WHOLESALE
CORPORATION**

Petition for review denied

S277905 A164519/A164521 First Appellate District, Div. 4

**JPMORGAN CHASE BANK,
N.A. v. S.C. (ELDER)**

The applications to appear as counsel pro hac vice are granted. (Cal. Rules of Court, rule 9.40(a).)
The petitions for review are denied.

S277917 B311867 Second Appellate District, Div. 2

ZHANG (JANICE M.) v. S.C.

Petition for review denied

S277922 D081217 Fourth Appellate District, Div. 1

**RHODES (LEILA) v. S.C.
(ASSAF)**

Petition for review denied

S277923 B306273 Second Appellate District, Div. 8

**FERRERA (ATLAS) v.
TERMINIX
INTERNATIONAL, INC.**

Petition for review denied

S277954 D081168 Fourth Appellate District, Div. 1

**HARTER (DAVID N.) v.
RANCHO RIOS
HOMEOWNERS
ASSOCIATION**

Petition for review denied

Guerrero, C. J., was recused and did not participate.

S277985 F081839 Fifth Appellate District

**PEOPLE v. VELEZ
(CHRISTOPHER
ALEXANDER)**

Petition for review denied; CA opinion decertified

The petition for review is denied.

The request for an order directing depublication of the opinion is granted. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed December 2, 2022, which appears at 85 Cal.App.5th 957. (Cal. Const., art.

VI, section 14; Cal. Rules of Court, rule 8.1125.)

S278040 A166320 First Appellate District, Div. 5

Petition for review denied

**YAO (ZIWEN) v. DIABLO
VALLEY ONCOLOGY**

S278085 D078745 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WILDMAN
(VALERIE)**

S278087 D079315 Fourth Appellate District, Div. 1

The application to appear as counsel pro hac vice is granted. (Cal. Rules of Court, rule 9.40(a).)
The petition for review is denied.

**SWANSON (DAVID W.) v.
FRANCHISE TAX BOARD**

S278095 G062084 Fourth Appellate District, Div. 3

Petition for review denied

**ZIMMERMAN (RORY) v. S.C.
(PEOPLE)**

S278096 B293694 Second Appellate District, Div. 6

Petition for review denied

**PATTON (JACK T.) v.
WALTER (SALLY PATTON)**

S278128 B311411 Second Appellate District, Div. 6

Petition for review denied

**FREEMAN (OLIVE M. &
ALAN S.), MARRIAGE OF**

S278167 A161516 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. HOMRAN
(ABDULLAH)**

S278176 C094467 Third Appellate District

Petition for review denied

**PEOPLE v. WILLIAMS
(RONALD)**

S278191 G060433 Fourth Appellate District, Div. 3

Petition for review denied

**NASSIF (TOBIAS) v. MISSION
POOLS OF ESCONDIDO;
VARGAS (SAL)**

S278198 B311533 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. JONES (DANIEL
PAUL)**

S278199 E077231 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ORTEGA
(WILLIAM)**

S278205 B316475 Second Appellate District, Div. 6

Petition for review denied

IN RE A.L.

S278210 A157103 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. McCOY, JR.,
(LIONEL JERICHO)**

S278211 B311555 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. WEIR
(RANDALL)**

S278213 F083089 Fifth Appellate District

Petition for review denied

**PEOPLE v. THOMAS
(RONALD)**

S278215 F082046 Fifth Appellate District

Petition for review denied

PEOPLE v. WARD (JOSEPH)

S278227 D080845 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SANTANA
(SERAFIN)**

S278236	C097713 Third Appellate District	PHEA (JACARRIE) v. S.C. (PEOPLE)
Petition for review denied		
S278246	G061072 Fourth Appellate District, Div. 3	PEOPLE v. NUNEZ (ISAIAS)
Petition for review denied		
S278249	B299585 Second Appellate District, Div. 5	PEOPLE v. WHERRY (GREGORY)
Petition for review denied		
S278253	G060357 Fourth Appellate District, Div. 3	PEOPLE v. ROBERTO (KARISSA MECHELLE)
Petition for review denied		
S278256	B309474 Second Appellate District, Div. 6	PEOPLE v. RIVERA (JUNIOR)
Petition for review denied		
S278260	D073304 Fourth Appellate District, Div. 1	PEOPLE v. AGUAYO (VERONICA)
Petition for review denied		
S278267	B315111 Second Appellate District, Div. 3	PEOPLE v. R. (W.)
Petition for review denied		
S278270	D079583 Fourth Appellate District, Div. 1	PEOPLE v. DIAZ (JOSE ANGEL)
Petition for review denied		
S278271	C096277 Third Appellate District	PEOPLE v. STEWART (NATHAN DAVID)
Petition for review denied		

S278273 G060736 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. RUIZ, JR.,
(MIGUEL)**

S278304

Petition for writ of mandate/prohibition denied

**ANDERSON (DION) v.
COURT OF APPEAL, THIRD
APPELLATE DISTRICT
(STATE OF CALIFORNIA)**

S278305 B317074 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. BYNUM (KEJUAN
GUY)**

S278310 A162766 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. SHERMAN
(BRANDON RIO)**

S278312 B317626 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ALVARADO
(ARTURO)**

S278315 H047414 Sixth Appellate District

Petition for review denied

**PEOPLE v. CASTRO
(ANTHONY JAMES
TORREZ)**

S278318 C097715 Third Appellate District

Petition for review denied

**CANNON (JOSEPH
KATNICH) v. S.C. (PEOPLE)**

S278321 G060340 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GODOY
(AUGUSTINE BRADY)**

S278323 B325480 Second Appellate District, Div. 7

Petition for review denied

**STOLL (RANDY) v. S.C.
(AMERICAN RESIDENTIAL
SERVICES, LLC)**

S278328 D079544 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MARTINEZ
(JORGE ALEJANDRO)**

S278329 A164975 First Appellate District, Div. 4
Petition for review denied

PEOPLE v. SAFA (FARZAD)

S278334 B312868 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. QUINTERO
(FRANK EDDIE)**

S278336 C089528 Third Appellate District

Petition for review denied

**PEOPLE v. TINSLEY
(DONALD EUGENE)**

S278340 A156558 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BISHOP
(MARLON J.)**

S278342 B325582 Second Appellate District, Div. 7

Petition for review denied

**PERAZA (LILIANA) v. S.C.
(DON ROBERTO JEWELERS,
INC.)**

S278346 B313790 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. HAUKE (JOSEPH
CHARLES)**

S278347 A165810 First Appellate District, Div. 3

**WONDERWORKS PTE. LTD.
v. HEWLETT-PACKARD
COMPANY**

The motion to strike the petition for review is denied.
The petition for review is denied.

S278544

**PEOPLE v. MOON (ADRIAN
DAMICO)**

Application to transfer denied

The motion to transfer *People v. Moon*, B326101, to this court is denied.

S273323

**MITCHELL (ANTONIO
DWAYNE) ON H.C.**

Petition for writ of habeas corpus denied

S275351

**ALVAREZ (STEVEN
ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied

S276148

GARCIA (EDWIN) 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].)

S276826

**McCARTHY (JAMES
TIMOTHY) ON H.C.**

Petition for writ of habeas corpus denied

S276833

AGUILAR (ALEXIS) ON H.C.

Petition for writ of habeas corpus denied

S276861

**WOODS (ROBERT L.) ON
H.C.**

Petition for writ of habeas corpus denied

S276891

Petition for writ of habeas corpus denied

BLAYLOCK (KENNETH LEE) ON H.C.**S277027**

Petition for writ of habeas corpus denied

FARFAN (EDGAR A.) ON H.C.**S277307**

Petition for writ of habeas corpus denied

ALLEN, JR., II (COLUMBUS) ON H.C.**S277309**

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].)

BARRAJAS (LOUIE) ON H.C.**S277310**

Petition for writ of habeas corpus denied

CLARK (PERRY T.) ON H.C.**S277329**

Petition for writ of habeas corpus denied

EASLEY (KENNETH J.) ON H.C.**S277334**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal].)

POWELL (MICHAEL ANTHONY) ON H.C.**S277336**

Petition for writ of habeas corpus denied

BLACKMON (TED) ON H.C.**S277567**

Petition for writ of habeas corpus denied

D. (OLIVER) ON H.C.

S277609**TAYLOR (MICHAEL
LAWRENCE) ON H.C.**

Petition for writ of habeas corpus denied

S277616**BROWN (JONAS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal].)

S277636**ALBOR (J. EFRAIN
GONZALEZ) 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].)

S277640**SOWELL III (NATHANIEL)
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].)

S277726**CHAVEZ (JOSE JESUS) 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].)

S277734**JOHNSON (THOMAS) ON
H.C.**

Petition for writ of habeas corpus denied

S277753**BROWNLEE (TERRENCE)
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].)

S278331**PARK (JINWOO) ON H.C.**

Petition for writ of habeas corpus denied

S278472**BROWNLEE (TERRENCE)
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].)

S277892

B308608 Second Appellate District, Div. 4

**STOP TOXIC HOUSING IN
PASADENA, INC. v.
DEPARTMENT OF TOXIC
SUBSTANCES CONTROL
(SPACE BANK LTD)**

Publication request denied (case closed)

S277963

A162471 First Appellate District, Div. 2

**FRIENDS OF SOUTH
LIVERMORE v. CITY OF
LIVERMORE (LWCI, LLC)**

Publication requests denied (case closed)

S199741**PEOPLE v. WILLIAMS
(MANLING TSANG)**

Extension of time granted

Based upon counsel Linda F. Robertson's representation that the appellant's reply brief is anticipated to be filed by July 14, 2023, an extension of time in which to serve and file that brief is granted to April 20, 2023. After that date, only two further extensions totaling about 85 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).)

S246087**PEOPLE v. HUNTER
(LORRAINE ALISON)**

Extension of time granted

Based upon Supervising Deputy Attorney General Holly D. Wilken's representation that the respondent's brief is anticipated to be filed by July 27, 2023, an extension of time in which to serve and file that brief is granted to April 28, 2023. After that date, only two further extensions totaling about 90 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).)

S276649 C096051 Third Appellate District
Extension of time granted

IN RE KENNETH D.

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 23, 2023.

S278437 A158868 First Appellate District, Div. 4

**BADER (SUSAN JEAN) v.
JOHNSON & JOHNSON**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to March 1, 2023.

S278437 A158868 First Appellate District, Div. 4

**BADER (SUSAN JEAN) v.
JOHNSON & JOHNSON**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to March 1, 2023.

S154365

**PEOPLE v. DREWS (MARTIN
DEXTER)**

Record augmentation granted

Appellant Martin Drews' application "to Augment the Record on Appeal," filed on January 19, 2023, is granted. The record on appeal is augmented to include the 71-page document attached as Exhibit A to the application to augment.

S269672 E073781 Fourth Appellate District, Div. 2

**LEON (DORA) v. COUNTY
OF RIVERSIDE**

Order filed

The request of counsel for appellant to allocate to amicus curiae Les T. Zador 10 minutes of appellant's 30-minute allotted time for oral argument is hereby granted.

S277860

**ACCUSATION OF
HENDERSON**

Petition denied (accusation)

S277873**ACCUSATION OF
HENDERSON**

Petition denied (accusation)

S278074**ACCUSATION OF
BRACKETT**

Petition denied (accusation)

S278077**ACCUSATION OF JOHNSON**

Petition denied (accusation)

S278818**ABRAMS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GREGORY S. ABRAMS, State Bar Number 96759, as an attorney of the State Bar of California is accepted.

S278819**ADDINGTON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GREGORY WILLIAM ADDINGTON, State Bar Number 102172, as an attorney of the State Bar of California is accepted.

S278821**BLANK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARK THOMAS BLANK, State Bar Number 155976, as an attorney of the State Bar of California is accepted.

S278822**BRINSLEY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN HARRINGTON BRINSLEY, State Bar Number 30829, as an attorney of the State Bar of California is accepted.

S278823**FOO ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARBARA CAROL FOO, State Bar Number 133704, as an attorney of the State Bar of California is accepted.

S278824**KENNEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN HOWERTON KENNEY, State Bar Number 124543, as an attorney of the State Bar of California is accepted.

S278825**LUNINE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BEN HALLOCK LUNINE, State Bar Number 242694, as an attorney of the State Bar of California is accepted.

S278826**PHAM ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DOUG VIET PHAM, State Bar Number 216482, as an attorney of the State Bar of California is accepted.

S278827**PORTER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GROVER LEON PORTER, State Bar Number 94707, as an attorney of the State Bar of California is accepted.

S278828**PREISING ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TERESA OPPELT PREISING, State Bar Number 137195, as an attorney of the State Bar of California is accepted.

S278829

PUSICH ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of MAIZIE W. PUSICH, State Bar Number 134839, as an attorney of the State Bar of California is accepted.

S278830

REED ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of TOM F. REED, State Bar Number 94293, as an attorney of the State Bar of California is accepted.

S278832

**SCHOENFIELD ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEVEN JAY SCHOENFIELD, State Bar Number 126307, as an attorney of the State Bar of California is accepted.

S278833

SHORS ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of SUSAN DEBRA SHORS, State Bar Number 115294, as an attorney of the State Bar of California is accepted.

S278834

TALATHI ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of ADWAIT SURESH TALATHI, State Bar Number 233400, as an attorney of the State Bar of California is accepted.