

**SUPREME COURT MINUTES
THURSDAY, MARCH 2, 2023
SAN FRANCISCO, CALIFORNIA**

S257631 C085998 Third Appellate District

**PEOPLE v. BROWN
(HEATHER ROSE)**

Opinion filed: Judgment reversed

Because the trial court failed to instruct the jury on the mental state element of first degree murder by poison and because this error was prejudicial, we reverse the judgment. We remand to the Court of Appeal with directions to return the case to the superior court for further proceedings consistent with our opinion.

Majority Opinion by Groban, J.

-- joined by Guerrero, C. J., Corrigan, Liu, Kruger, Jenkins, and Cantil-Sakauye*, JJ.

* Retired Chief Justice of California, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S271178 C091962 Third Appellate District

**CABRERA (MIGUEL ANGEL)
ON H.C.**

Opinion filed: Judgment reversed

The sentencing court's finding of great bodily injury violated Cabrera's Sixth Amendment jury trial rights under *Apprendi*. We reverse the judgment of the Court of Appeal and remand for further proceedings consistent with this opinion.

Majority Opinion by Liu, J.

-- joined by Guerrero, C. J., Corrigan, Kruger, Groban, Jenkins, and Cantil-Sakauye*, JJ.

* Retired Chief Justice of California, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S277489

WHITE ON DISCIPLINE

Petition ordered withdrawn – JAMES P. WHITE

Petitioner's request, filed on March 1, 2023, to withdraw the petition for rehearing is granted.

S278539

CAMPER III ON ADMISSION

Extension of time granted – JAMES L. CAMPER III

On application of respondent and good cause appearing, it is ordered that the time to serve and file the response is extended to March 22, 2023.

S277949 C094219 Third Appellate District
Counsel appointment order filed

PEOPLE v. VANG (TENG)

Upon request of appellant for appointment of counsel, Elizabeth Campbell is hereby appointed to represent appellant on the appeal now pending in this court.

S277994 C091260 Third Appellate District

**PEOPLE v. ESPARZA (JESSE
ADRIAN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Kyle Gee is hereby appointed to represent appellant on the appeal now pending in this court.

S277995 A163083 First Appellate District, Div. 5

**PEOPLE v. CANNON
(WILLIAM JOSEPH)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the First District Appellate Project is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S257631 C085998 Third Appellate District

**PEOPLE v. BROWN
(HEATHER ROSE)**

Motion denied

Defendant/Appellant Heather Rose Brown's motion, filed on July 25, 2022, is denied as to the request to expand the scope of review. The motion's alternative request to remand is denied as moot in light of today's opinion.

S278866

**BUTTS (ASHLEY) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S278868**BUTTS (ASHLEY) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.