

**SUPREME COURT MINUTES  
WEDNESDAY, MARCH 20, 2024  
SAN FRANCISCO, CALIFORNIA**

**S283128**      H049983 Sixth Appellate District

**GUTIERREZ (FRANCISCO)  
v. TOSTADO (URIEL)**

Petition for review granted

The petition for review is granted.

Pending review, the opinion of the Court of Appeal, which is currently published at 97 Cal.App.5th 786, 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.)

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

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

**S283446**

**SAN FRANCISCO, CITY &  
COUNTY OF v. PUBLIC  
UTILITIES COMMISSION  
(WAYMO, LLC)**

Held in abeyance

The petition to transfer the cause pending before the Court of Appeal, First Appellate District, to this court for decision is denied.

The petition for writ of mandate currently before this court and the request for judicial notice will be held in abeyance pending the resolution of the cause pending before the Court of Appeal, First Appellate District.

**S283708**      C097977 Third Appellate District

**PEOPLE v. JACKSON  
(TAVARES DESHAWN)**

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. Patton*, S279670 (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.

**S283279**      B333189 Second Appellate District, Div. 8      **BANUELOS (MANUEL) v.  
S.C. (AZUSA POLICE  
DEPARTMENT)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Eight, with directions to issue an order to show cause

The petition for review is granted.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Eight, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted. (Cal. Rules of Court, rule 8.528(d).)

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

**S283391**      B321638 Second Appellate District, Div. 6      **VELASQUEZ (JOSE) v.  
WORKERS'  
COMPENSATION APPEALS  
BOARD; THE SALVATION  
ARMY**

Petition for review denied

**S283396**      D081861 Fourth Appellate District, Div. 1      **PEOPLE v. BERRY-  
VIERWINDEN (RYAN)**

Petition for review denied

**S283402**      B333938 Second Appellate District, Div. 4      **COSENTINO GROUP, S.A. v.  
S.C. (SOLANO-CLAUSTRO)**

The requests for judicial notice are granted.

The petition for review is denied.

**S283410**      B306910 Second Appellate District, Div. 8      **ARGUETA (EUNICES) v.  
WORLDWIDE FLIGHT  
SERVICES, INC.**

Petition for review denied

**S283422** G062731 Fourth Appellate District, Div. 3

**FALB (MICHELE) v.  
SCHERER (LYNNE)**

Petition for review denied

**S283436** B325927 Second Appellate District, Div. 2

**SCALLON (JAMES) v.  
ARCHE (LORI)**

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.

**S283444** A166311 First Appellate District, Div. 2

**PEOPLE v. DE GUZMAN, JR.,  
(VENANCIO DIZON)**

Petition for review denied

**S283451** B326497 Second Appellate District, Div. 2

**PEOPLE v. MASON  
(AUGUSTA)**

Petition for review denied

**S283460** B333831 Second Appellate District, Div. 5

**PEOPLE v. FLETCHER  
(MATTHEW POWELL)**

Petition for review denied

**S283469**

**SANCHEZ DE TAGLE  
(AUSTIN ORLANDO) v. S.C.  
(SANCHEZ)**

Petition for writ of certiorari denied

**S283477** D082421 Fourth Appellate District, Div. 1

**RODRIGUEZ (PEDRO) v.  
NEWSOM (GAVIN)**

Petition for review denied

**S283480** B321803 Second Appellate District, Div. 8

**PEOPLE v. STEVENSON  
(LAMAR DUWAN)**

Petition for review denied

**S283485** B334019 Second Appellate District, Div. 7

The requests for judicial notice are granted.  
The petition for review is denied.

**COSENTINO GROUP, S.A. v.  
S.C. (REYES-GONZALEZ)**

**S283493** D082102 Fourth Appellate District, Div. 1  
Petition for review denied

**IN RE A.B.**

**S283536** B334153 Second Appellate District, Div. 2

Petition for review denied

**HALL (STEPHEN E.) v S.C.  
(DELIS)**

**S283544** H051044 Sixth Appellate District

Petition for review denied

**DO (DAVID (ANH QUAN)) v.  
COUNTY OF SANTA CLARA**

**S283560** E082799 Fourth Appellate District, Div. 2

Petition for review denied

**CANYON RIDGE MENTAL  
HEALTH HOSPITAL, INC. v.  
S.C. (IBARRA)**

**S283588** C096521 Third Appellate District

Petition for review denied

**MALIK (MUHAMMAD  
YOUNAS) v. CARLSON &  
GEVELINGER**

**S283596** A164779 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SALVANT  
(MARVEL)**

**S283615** B324039 Second Appellate District, Div. 6

Petition for review denied

**HERNANDEZ (JEREMIAH  
LEO) ON H.C.**

**S283630** F084479 Fifth Appellate District

**MELKONIAN ENTERPRISES,  
INC. v. SUN-MAID  
GROWERS OF CALIFORNIA**

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.

**S283640** B320513 Second Appellate District, Div. 2

**SWITZER (KAYE) v. BIG  
TICKET PICTURES INC.**

Petition for review denied

**S283641** F084940 Fifth Appellate District

**PEOPLE v. YANG (XENG)**

Petition for review denied

**S283645** C098054 Third Appellate District

**PEOPLE v. VALDEZ  
(EDUARDO)**

Petition for review denied

**S283652** B322737 Second Appellate District, Div. 2

**ST. HUBERT  
(FRITZGERARD) v. FOX  
CORPORATION**

Petition for review denied

**S283675** B334253 Second Appellate District, Div. 3

**PEOPLE v. PINKSTON  
(STEVEN TERROS)**

Petition for review denied

**S283750** B328573 Second Appellate District, Div. 4

**PEOPLE v. DAVIS, JR.,  
(LEROY)**

Petition for review denied

**S283758** F084667 Fifth Appellate District

**PEOPLE v. GARZA (STEVE  
FLORES)**

Petition for review denied

**S283766** B330535 Second Appellate District, Div. 2

The requests for judicial notice are granted.  
The petition for review is denied.

**DOWNS (LADARIOUS) ON  
H.C.**

**S283779** B322613 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. BERG (RONALD  
LEE)**

**S283781** B325893 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BAKER (TOMMIE  
LEE)**

**S283782** F085862 Fifth Appellate District

Petition for review denied

**PEOPLE v. VALDOVINOS  
(ORLANDO ACOSTA)**

**S283783** D081544 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JARVIS  
(TERRENCE)**

**S283784** B317367 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MALLOY  
(EDWARD)**

**S283786** A169595 First Appellate District, Div. 1

Petition for review denied

**TOSCANO (BENJAMIN) ON  
H.C.**

**S283789** B334503 Second Appellate District, Div. 1

Petition for review denied

**WHITAKER (WENDEL) ON  
H.C.**

**S283790** E078499 Fourth Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. MASON  
(TYRONE)**

<b>S283791</b>	B327505 Second Appellate District, Div. 6	<b>IN RE S.R.</b>
Petition for review denied		
<b>S283793</b>	B324095 Second Appellate District, Div. 3	<b>PEOPLE v. PEREZ (ERIK ARMENTA)</b>
Petition for review denied		
<b>S283798</b>	B327701 Second Appellate District, Div. 7	<b>PEOPLE v. HERNANDEZ (RICARDO)</b>
Petition for review denied		
<b>S283799</b>	G062085 Fourth Appellate District, Div. 3	<b>PEOPLE v. ALVAREZ (JOEL)</b>
Petition for review denied		
<b>S283803</b>	A166757 First Appellate District, Div. 1	<b>IN RE A.R.</b>
Petition for review denied		
<b>S283807</b>	D081313 Fourth Appellate District, Div. 1	<b>PEOPLE v. GANN (NATHANIEL MARCUS)</b>
Petition for review denied		
<b>S283821</b>	C097697 Third Appellate District	<b>PEOPLE v. LANE (ANDREW)</b>
Petition for review denied		
<b>S283823</b>	D080824 Fourth Appellate District, Div. 1	<b>PEOPLE v. SUCALDITO (ARMANDO PIDOT)</b>
Petition for review denied		
<b>S283826</b>	F085821 Fifth Appellate District	<b>PEOPLE v. CORONA (ALONSO)</b>
Petition for review denied		
<b>S283829</b>	B319299 Second Appellate District, Div. 8	<b>PEOPLE v. TORRES (ISAAC)</b>
Petition for review denied		

**S283830****GOMEZ (JOSHUA NOEL) v.  
COURT OF APPEAL,  
SECOND APPELLATE  
DISTRICT, DIVISION FIVE  
(PEOPLE)**

Petition for writ of mandate/prohibition denied

**S283915** H051784 Sixth Appellate District**SEPEHRY-FARD (FAREED)  
v. S.C. (U.S. BANK  
NATIONAL ASSOCIATION)**

Petition for review &amp; application for stay denied

**S283942** E083212 Fourth Appellate District, Div. 2**JEREMIAH (MARIE) v. S.C.  
(PDQ INVESTMENTS, LLC)**

Petition for review &amp; application for stay denied

**S284081** A169707 First Appellate District, Div. 4**GORMAN ROOFING  
SERVICES, INC. v. S.C. (M.A.  
SILVA CORKS, USA, LLC)**

Petition for review &amp; application for stay denied

**S284115** C100460 Third Appellate District**WINDING (JACOB) v. S.C.  
(WAHLA)**

Petition for review &amp; application for stay denied

**S284215** D083786 Fourth Appellate District, Div. 1**WHITE (JEREMY) v. S.C.  
(PEOPLE)**

Petition for review &amp; application for stay denied

**S276239****MEANS (LAURA LEESHA)  
ON H.C.**

The "Petition for Writ of Habeas Corpus, Mandate, Coram Vobis, or Other Appropriate Relief," filed September 16, 2022, is denied.

**S281828****THOMPSON (JOHN  
WILLIAM) ON H.C.**

Petition for writ of habeas corpus denied



**S282418****TAYLOR (STEFAWN) ON  
H.C.**

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Lynch*, S274942.

**S282421****AGUILAR (OSCAR) ON H.C.**

Petition for writ of habeas corpus denied

**S282512****MARTINEZ (HARVEY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S282516****FISCHER (BRUCE DEAN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S282752****STEWART (TRACY LEE) 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].)

**S282761****HAYTHORNE (EDDIE) 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].)

**S282777****ZUNZACHAN (ROGER  
ALBERTO) ON H.C.**

Petition for writ of habeas corpus denied

**S282784****SHARONOFF (KENNETH  
ALLEN) ON H.C.**

Petition for writ of habeas corpus denied

**S282966****TOSCANO (EVARISTO) ON  
H.C.**

Petition for writ of habeas corpus denied

**S283135****FINCHER (JAMES  
ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied

**S283162****STEVENSON, JR., (DAMON)  
ON H.C.**

Petition for writ of habeas corpus denied

**S283165****BROUSSARD (CARLTON) 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].)

**S283168****OSMENT (STEVEN  
LOUMONT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Villa* (2009) 45 Cal.4th 1063, 1066 [habeas corpus relief is unavailable where the petitioner is not in the custody of California authorities as a result of the challenged conviction]; *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].)

**S283176****MARTINEZ (BRANDON) ON  
H.C.**

Petition for writ of habeas corpus denied

**S283178****JIMENEZ (JESUS  
CARMELO) 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 disclosure of discovery and the appointment of counsel. The petition does not satisfy the statutory requirements for the disclosure of discovery or for the appointment of counsel

under the Racial Justice Act. (Pen. Code, §§ 1473, subs. (d), (e) [providing for the disclosure of discovery and appointment of counsel for an indigent petitioner who alleges facts constituting a violation of the Racial Justice Act].) Petitioner does not describe or attach trial court transcripts concerning displays of racial bias or use of racially discriminatory language. (Pen. Code, § 745, subd. (a)(1)-(4); 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 requests for discovery and counsel are denied. The petition for writ of habeas corpus is denied.

**S283357****STEWART (TRACY LEE) 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].)

**S283359****BENNETT (RONALD DALE)  
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 Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**S283513****JOHNSON III (FOSTER) ON  
H.C.**

Petition for writ of habeas corpus denied

**S283533****BROUSSARD (CARLTON) 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].)

**S283215** A165484 First Appellate District, Div. 1

**SALKHI (ARASH) &  
BEHROYAN (NOOSHIN),  
MARRIAGE OF**

Publication request denied (case closed)

**S283236** B318644 Second Appellate District, Div. 2

**SCHWADE (PATRICIA) v.  
SOUTH PASADENA  
REHABILITATION CENTER,  
LLC**

Publication request denied (case closed)  
Groban, J., was recused and did not participate.

**S283421** G062730 Fourth Appellate District, Div. 3

**SUESS (JAMES) v.  
CALIFORNIA PUBLIC  
EMPLOYEES RETIREMENT  
SYSTEM**

Publication request denied (case closed)

**S283636** A166490 First Appellate District, Div. 3

**PEOPLE v. POTTER HANDY,  
LLP**

The requests for an order directing depublication of the opinion in the above-entitled appeal are denied. The court declines to review this matter on its own motion. This matter is now final. Groban and Evans, JJ., are of the opinion the review should be granted on the court's own motion.

**S283726** C096511 Third Appellate District

**STATE WATER BOARD  
CASES**

The requests for an order directing depublication of the opinion in the above-entitled appeal are denied. The court declines to review this matter on its own motion. The matter is now final.

**S154053**

**PEOPLE v. RHOADES  
(ROBERT BOYD)**

Extension of time granted

Upon application of Deputy Attorney General Sarah J. Farhat, an extension of time in which to serve and file a supplemental answering brief is granted to April 4, 2024. Appellant may thereafter serve and file a reply, not to exceed 25 pages in length, within 20 days after the People have filed their supplemental answering brief.

**S280969****EADDY (DESMOND L.) ON  
H.C.**

Extension of time granted

On application of Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to April 29, 2024.

**S283099****EUGENE (MARCUS  
COLUMBUS) ON H.C.**

Extension of time granted

On application of Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to May 13, 2024.

**S163417****PEOPLE v. DIXON (JAMES  
WINSLOW)**

Withdrawal of counsel allowed by order

Good cause appearing, the motion of Harry M. Caldwell, appointed appellate-only counsel for James Winslow Dixon, for permission to withdraw as attorney of record for appellant, filed January 23, 2024, is granted.

The order appointing Harry M. Caldwell as appellate-only counsel of record for appellant James Winslow Dixon, filed June 22, 2011, is hereby vacated.

Mark Greenberg is hereby appointed as counsel of record, to represent appellant James Winslow Dixon, for the direct appeal in the above automatic appeal now pending in this court.

Harry M. Caldwell is hereby directed to deliver to Mark Greenberg, within 60 days from the filing of this order, all appellate work product, trial files, and all other appellate materials that he has obtained from appellant James Winslow Dixon or from his trial counsel or paralegals, or from any other source.

**S093944****PEOPLE v. BERTSCH (JOHN  
ANTHONY) & HRONIS  
(JEFFERY LEE)**

Motion to file document under seal granted

Appellant's "Motion for Permission to File Appellate Reply Brief Claim Under Seal, for Order Maintaining Partial Confidentiality of Sealed Transcripts, and for Protective Order," filed on February 26, 2024, is granted. The Clerk is directed to file under seal the document entitled "Claim X from Appellant's Reply Brief May Not Be Examined Without Court Order-Contains Material from Conditionally Sealed Record," lodged conditionally under seal in this court on February 26, 2024, and to file the redacted Appellant's Reply Brief received in this court on

February 26, 2024.

**S179454**

**PEOPLE v. JASSO  
(CHRISTOPHER GUY)**

Filing stricken per court order

Respondent's "Motion to Strike Supplemental Respondent's Brief and Request for Permission to File Replacement Supplemental Respondent's Brief," filed March 1, 2024, is granted. The Clerk is directed to strike the supplemental respondent's brief filed on February 22, 2024, and to file the replacement "Supplemental Respondent's Brief," received on March 1, 2024.

**S256903** C088341 Third Appellate District

**PEOPLE v. PORCHE  
(JOSEPH LAWRENCE)**

Motion to file document under seal granted

The request for judicial notice is granted.

Petitioner's application to seal the records in Case No. S256903 and suppress the case name is granted. (Cal. Rules of Court, rules 2.550(d), 8.46(b).) 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 of this court is directed to seal the records in this case. Further, pursuant to California Rules of Court, rule 8.90, the clerk of this court is also directed to redact the case name on the docket to reflect petitioner's initials: People v. J.P.

**S273225** C091519 Third Appellate District

**PEOPLE v. PORCHE  
(JOSEPH LAWRENCE)**

Motion to file document under seal granted

The request for judicial notice is granted.

Petitioner's application to seal the records in Case No. S273225 and suppress the case name is granted. (Cal. Rules of Court, rules 2.550(d), 8.46(b).) 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 of this court is directed to seal the records in this case. Further, pursuant to California Rules of Court, rule 8.90, the clerk of this court is also directed to redact the case name on the docket to reflect petitioner's initials: People v. J.P.

**S283743****TAMMAN ON  
REINSTATEMENT**

Petitioner reinstated

Upon recommendation of the State Bar Court, the court orders that DAVID MARSH TAMMAN be reinstated as an attorney of the State Bar of California upon payment of fees and taking the oath required by law.

**D083449**

Fourth Appellate District, Div. 1

**SHELL ENERGY NORTH  
AMERICA (US), L.P. v.  
PUBLIC UTILITIES  
COMMISSION**

The above-entitled matter, now pending in the Court of Appeal, Fourth Appellate District, Division One, is transferred to the Court of Appeal, First Appellate District, Division Two.