

**SUPREME COURT MINUTES  
WEDNESDAY, APRIL 12, 2023  
SAN FRANCISCO, CALIFORNIA**

**S278470**      B319217 Second Appellate District, Div. 1      **PEOPLE v. JOHNSON  
(RASHAUN QUINTEL)**

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. Mitchell*, S277314 (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.

**S278726**      B317490 Second Appellate District, Div. 6      **PEOPLE v. ALVAREZ  
(DANIEL CHRISTOPHER)**

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.

**S278797**      F082699 Fifth Appellate District      **PEOPLE v. ORELLANA, JR.,  
(RAUL SHAWN)**

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. 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.

**S278803**      F082970 Fifth Appellate District      **PEOPLE v. BOLANOS  
(CARLOS ALFONSO)**

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. Williams*, S262229, *People v. Hardin*, S277487, and *In re Vaquera*, S258376 (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.

**S278841**      B316173 Second Appellate District, Div. 3      **PEOPLE v. MITCHELL  
(JAMES RAY)**

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. Mitchell*, S277314 (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.

**S278894**      H049698 Sixth Appellate District      **PEOPLE v. ORTIZ (ALAN  
CHRISTOPHER)**

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. Walker*, S278309 (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.

**S278928**      B318808 Second Appellate District, Div. 4      **IN RE X.R.**

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.

**S278977**      F082991 Fifth Appellate District      **PEOPLE v. MARTINEZ  
(YOVANI DEJESUS)**

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.

**S278992** F082198 Fifth Appellate District

**PEOPLE v. NAGATA  
(STUART JOHN TSUNEO)**

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. Burgos*, S274743 (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.

**S278993** F082400 Fifth Appellate District

**PEOPLE v. PEREZ  
(ANNABELLE)**

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. Burgos*, S274743 (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.

**S278999** F082428 Fifth Appellate District

**PEOPLE v. OLVERA  
(MARTIN SANTOYO)**

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. Burgos*, S274743 (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.

**S278591**      B325769 Second Appellate District, Div. 4      **ESTRADA (ERICA) v. S.C. (PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Four, 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 Four, with directions to vacate its order denying the petition for writ of mandate and to issue an order to show cause why petitioner is not entitled to the relief requested. The stay previously issued by this court is to remain in effect pending further order of the Court of Appeal. (Cal. Rules of Court, rule 8.528(d).)

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

**S278607**      B325982 Second Appellate District, Div. 4      **PAIGE (DERICK) ON H.C.**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Four, 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 Four. That court is ordered to vacate its summary denial dated February 3, 2023, and is further ordered to issue an order to show cause, returnable before that court. The Los Angeles County Sheriff's Department is to be ordered to show cause why the petitioner should not be granted a new bail review hearing on the basis that the superior court did not adequately set forth the reasons for its decision on the record (see *In re Humphrey* (2021) 11 Cal.5th 135, 155). (Cal. Rules of Court, rule 8.528(d).)

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

**S267376**      C092122 Third Appellate District      **PEOPLE v. VUE (CHU)**

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S267738**      C091988 Third Appellate District      **PEOPLE v. VUE (MOUA)**

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S269996**      B309117 Second Appellate District, Div. 2      **PEOPLE v. THOMPSON  
(MATHEW ARLIN)**

Transferred to Court of Appeal, Second Appellate District, Division Two, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S271452**      C092951 Third Appellate District      **PEOPLE v. WILLIAMS  
(CHARLES)**

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S271491**      C092913 Third Appellate District      **PEOPLE v. WILLIAMS  
(BRIAN)**

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S272194**      B310712 Second Appellate District, Div. 2      **PEOPLE v. WALKER  
(VANESSA)**

Transferred to Court of Appeal, Second Appellate District, Division Two, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of

*People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S273198** C094216 Third Appellate District **PEOPLE v. TRAN (QUYEN)**  
Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S273490** B312111 Second Appellate District, Div. 5 **PEOPLE v. De La CRUZ (JOSE)**

Transferred to Court of Appeal, Second Appellate District, Division Five, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S273597** H047346 Sixth Appellate District **PEOPLE v. VACA (BRYAN CHRISTOPHER)**

Transferred to Court of Appeal, Sixth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

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

**S274938** C093920 Third Appellate District **PEOPLE v. WALDEN (PAUL)**  
Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo*

(2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)  
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

**S278010****MAHDESSIAN ON  
DISCIPLINE**

Petition for review denied – RITA MAHDESSIAN

**S278324**

A165607 First Appellate District, Div. 2

**K. (SARAH) v. S.C. (SONOMA  
COUNTY HUMAN SERVICES  
DEPARTMENT)**

Petition for review denied; CA opinion decertified

The petition for review is denied.

On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed January 17, 2023, which appears at 87 Cal.App.5th 549. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(1).)  
The temporary stay issued by this court on February 1, 2023, is hereby dissolved.

**S278333**

B312232 Second Appellate District, Div. 5

**LEMM (STEPHEN) v.  
ECOLAB, INC.**

Petition for review &amp; depublication request(s) denied

**S278382**

A166896 First Appellate District, Div. 3

**ADAMS (SARRITA  
ANASTASIA) v. S.C.  
(BILLINGS)**

Petition for review denied

**S278391**

C091172 Third Appellate District

**ROCKLIN, CITY OF v.  
LEGACY FAMILY  
ADVENTURES-ROCKLIN,  
LLC**

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

**S278394** B325061 Second Appellate District, Div. 5 **SALGUERO (FRANDER)v. S.C. (PEOPLE)**

Petitioner's "Objection to Information Dehors the Record and Motion to Strike Answer Filed February 27, 2023" is denied.  
The petition for review is denied.

**S278405** F083641 Fifth Appellate District **PEOPLE v. GOMES (DERRICK CHARLES)**

Petition for review denied

**S278412** G061122/G061124 Fourth Appellate District, Div. 3 **KEMP (R.) v. S.C. (ACCURATE BACKGROUND LLC)**

Petition for review denied

**S278428** B310170 Second Appellate District, Div. 5 **KAMINSKY (ESTHER) v. CITY OF LOS ANGELES**

Petition for review denied

**S278437** A158868 First Appellate District, Div. 4 **BADER (SUSAN JEAN) v. JOHNSON & JOHNSON**

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.

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

**S278440** D079752 Fourth Appellate District, Div. 1 **SAVE 30TH STREET PARKING v. CITY OF SAN DIEGO (ORTIZ CORPORATION)**

Petition for review denied

**S278454** G062019 Fourth Appellate District, Div. 3 **BISHARA (MARIAM) v. S.C. (ALTAMED HEALTH SERVICES CORP.)**

Petition for review denied



**S278476** B314858 Second Appellate District, Div. 1

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

**REMSEN (LAWRENCE) v.  
SHAFFER (JENNIFER)**

**S278488** E080116 Fourth Appellate District, Div. 2

Petition for review denied

**UPLAND, CITY OF v. S.C.  
(VAGNOZZI)**

**S278505** G061046 Fourth Appellate District, Div. 3

Petition for review denied

**SIMON (JOYCE M.) v.  
COUNTY OF ORANGE**

**S278510** A162852 First Appellate District, Div. 2

Petition for review & depublication request(s) denied

**JENKINS (CHARLES) v.  
BRANDT-HAWLEY (SUSAN)**

**S278514** B305911 Second Appellate District, Div. 1

Petition for review denied

**SHAPIRO (SERGIO) v.  
FINANCIAL SERVICES  
VEHICLE TRUST**

**S278517** C095587 Third Appellate District

Petition for review denied

**PEOPLE v. GANSEREIT  
(ZACKARY JONATHAN)**

**S278541** C095535 Third Appellate District

Petition for review denied

**IN RE C.B.**

**S278549** A164293 First Appellate District, Div. 1

The request for judicial notice is granted.  
The petition for review is denied.  
The request for an order directing publication of the opinion is denied.

**KELLY III (THOMAS P.) v.  
KELLY (JOHN A.)**

**S278593** F082450 Fifth Appellate District

Petition for review denied

**PEOPLE v. VALENZUELA  
(JOHNATHAN)**

**S278598** B316810 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. YIN (JASON  
CHEN)**

**S278612** B315094 Second Appellate District, Div. 7

Petition for review denied

**IN RE MELISSA H.**

**S278613** A164053 First Appellate District, Div. 5

Petition for review denied

**VAUGHN (MARCUS) v.  
TESLA, INC.**

**S278621** B315902 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ALLEN  
(MICHAEL ERIC)**

**S278624** E077320 Fourth Appellate District, Div. 2

Petition for review & depublication request(s) denied

**WHITE (LAURA) v. DAVIS  
(RUSSELL LOWELL)**

**S278625** B322638 Second Appellate District, Div. 8

Petition for review & depublication request(s) denied

**GRIEGO (JESSE) v. CITY OF  
BARSTOW**

**S278631** C094553 Third Appellate District

Petition for review denied

**PEOPLE v. POWELL  
(NIKITA)**

The petition for review is denied.

(See Concurring Statements by Justice Groban and Justice Evans.)

Concurring Statement by Justice Groban

In 1998, petitioner Nikita Powell pled guilty to first degree murder during the commission of a robbery for her role in a killing committed by her then-boyfriend, James Thomas. In exchange, she was sentenced to 25 years to life.

Effective January 1, 2019, the Legislature passed Senate Bill No. 1437 (2017-2018 Reg. Sess.) (Stats. 2018, ch. 1015; Senate Bill 1437) to eliminate natural and probable consequences liability for murder as it applies to aiding and abetting and limit felony murder liability to “major participant[s] in the underlying felony who acted with reckless indifference to human life.” (Stats. 2018, ch. 1015, § 1, subd. (f); see Pen. Code,<sup>1</sup> §§ 188, subd. (a)(3), 189, subd. (e), as amended by Stats. 2018, ch. 1015, §§ 2, 3.)

Petitioner thereafter filed a section 1170.95<sup>2</sup> petition for resentencing, alleging that she could not now be convicted of murder under the law as amended by Senate Bill 1437. The trial court found that defendant made a prima facie showing for relief (see former § 1170.95, subd. (c)). At the subsequent hearing (former § 1170.95, subd. (d)), petitioner’s sister and aunt testified that the actual killer, Thomas, physically abused petitioner and forced her to engage in prostitution during their relationship. An expert on intimate partner violence testified generally about how intimate partner battery may impact a victim and, more specifically, how a domestic violence victim, like petitioner, might suggest robbing someone to make her abuser happy and avoid being beaten herself.

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<sup>1</sup> Subsequent section numbers refer to the Penal Code unless otherwise specified.

<sup>2</sup> After petitioner’s section 1170.95 petition was resolved by the trial court, section 1170.95 was renumbered as section 1172.6 without any substantive change. (Stats. 2022, ch. 58, § 10 [effective June 30, 2022].) We refer to section 1170.95 for consistency with the trial court’s ruling.

The trial court denied petitioner’s resentencing petition by written order, concluding beyond a reasonable doubt that she could still be convicted of first degree felony murder because she was a major participant in the underlying robbery who acted with reckless indifference to human life. (§ 189, subd. (e); see *People v. Banks* (2015) 61 Cal.4th 788; *People v. Clark* (2016) 63 Cal.4th 522.) The trial court underscored, with extensive citations to the record, that petitioner planned the robbery, she helped Thomas obtain the murder weapon, she was present for the killing, and she did not intervene or render aid to help the victim. The trial court also considered evidence offered by petitioner “in support of a theory that she was a victim of intimate partner violence.” The trial court acknowledged petitioner’s prior declaration attesting to the fact that Thomas beat “her ‘at least twice a week’ and that on the night of the murder, Thomas punched and choked her until she could not breathe.” The trial court observed that petitioner’s aunt and sister “relayed their knowledge of witnessing Thomas violently beating, kicking, and dragging [petitioner] on a regular basis, as well as knowing that Thomas may have been forcing [petitioner] into prostitution on an almost daily basis.” The trial court acknowledged that though this evidence was offered in petitioner’s defense to “support [] a theory that she was a victim of intimate partner violence . . . [,] it also demonstrate[d] that she knew or reasonably should have known of the danger the armed Thomas posed to the unwitting victim.” The trial court found that petitioner’s “familiarity with

Thomas's violence against her does not establish, by itself, reckless indifference but it is a factual circumstance that this court has considered in weighing the fourth *Clark* factor [“Defendant’s Knowledge of Cohort’s Likelihood of Killing” (*Clark*, at p. 621)] and finding beyond a reasonable doubt that she knew Thomas was likely to use lethal force.” The Court of Appeal affirmed the trial court’s ruling, applying the highly deferential substantial evidence standard of review. (*People v. Powell* (Jan. 17, 2023, C094553) [nonpub. opn.] )

Petitioner contends our review is necessary because the People did not present substantial evidence to show she acted with reckless indifference to human life and the trial court erred by ignoring the evidence of intimate partner violence. She further contends that the evidence of Thomas’s frequent abuse should have been considered to mitigate her culpability, and not as evidence to affirmatively support a finding that she acted with “reckless indifference to human life.” A reviewing court’s role “is not to reweigh the evidence” (*People v. Thomas* (2023) 14 Cal.5th 327, 379) and I therefore join my colleagues in voting to deny review. I write separately to highlight that our denial of review should not prevent consideration of petitioner’s abuse by Thomas as a potential mitigating circumstance in other contexts, including:

- (1) a potential referral for recall and resentencing by the Secretary of the Department of Corrections and Rehabilitation, the Board of Parole Hearings, or the district attorney (see § 1172.1, subd. (a)(1), (4) [when a defendant is referred for recall and resentencing, “[t]he court shall consider if the defendant . . . was a victim of intimate partner violence or human trafficking prior to or at the time of the commission of the offense”]);
- (2) at a future parole suitability hearing (see Cal. Code Regs., tit. 15, § 2281, subd. (d)(5) [listing whether “the prisoner suffered from Battered Woman Syndrome” at the time of the offense as a fact tending to show suitability for parole]); or
- (3) pursuant to a commutation recommendation (see § 4801, subd. (a) [“The Board of Parole Hearings may report to the Governor, from time to time, the names of any and all persons imprisoned in any state prison who, in its judgment, ought to have a commutation of sentence or be pardoned and set at liberty on account of good conduct, or unusual term of sentence, or any other cause, including evidence of intimate partner battering and its effects”]).

GROBAN, J.

I Concur:  
LIU, J.

Concurring Statement by Justice Evans

Then 21-year-old defendant Nikita Powell pleaded guilty to first degree murder committed during a 1997 robbery in which her boyfriend shot and killed their robbery victim. Prior to the crime,

Powell had endured brutal violence - chokings, regular beatings, sex trafficking, threats to her life, and financial abuse - at the hands of her boyfriend, who was more than 20 years her senior. After testifying against her abuser at his trial, the trial court sentenced Powell to 25 years to life.

Since Powell's conviction in 1998, the Legislature has made significant advances regarding the consideration of intimate partner violence evidence in assessing an intimate partner violence victim's culpability in committing an offense and determining the appropriate level of punishment. (See, e.g., Pen. Code, § 1170, subd. (b)(6)(C) [directing courts to impose the lower term where the defendant was a victim of intimate partner violence]; Pen. Code, § 1170, subd. (d)(8)(C) [providing that a court may resentence an individual to a lesser term based on their experience as a victim of intimate partner violence]; Pen. Code, § 1172.1, subd. (a)(4) [directing courts, in evaluating whether to recall a sentence, to consider whether intimate partner violence was a "contributing factor" in the defendant's commission of the offense].) These measures reflect the general recognition that experiencing intimate partner violence can often diminish one's culpability in committing an offense or is otherwise a mitigating circumstance warranting mercy.

In enacting Senate Bill No. 1437 (Reg. Sess. 2017-2018; Senate Bill 1437) in 2018, the Legislature received materials that addressed how victims of intimate partner violence are often unjustly convicted of crimes committed by their abusers. (See, e.g., Fátima Avellán, *Survived and Punished*, letter to Sen. Nancy Skinner, Apr. 16, 2018, p. 1 ["A legal doctrine that holds a person responsible for the violent actions of another will disproportionately impact victims of intimate partner violence. . . . Because this legal doctrine has been used to punish survivors for the violent acts of their abusive partners, survivors are often subjected to life and life without parole sentences as a consequence of being trapped in conditions of intimate partner violence"]; Cal. Chapter of Nat. Assn. of Social Workers, Women's Council, letter to Sen. Nancy Skinner, Apr. 16, 2018, p. 1 ["a number of women [are] serving life sentences as a result of actions taken by a husband or boy friend [sic]. Some, who were survivors of domestic violence by their male partner, explained their presence at the scene of the crime was at the instance of the abusing partners. Others, [sic] reported that they were unaware that the person they were with, [sic] had brought a deadly weapon to the scene. Many were quite young at the time of the crime"]; Maureen Washburn, Center on Juvenile and Crim. Justice, letter to Sen. Nancy Skinner, Apr. 6, 2018, p. 1 ["approximately 70 percent of women charged with homicide were accomplices, not the actual perpetrators of the act that led to death. These women are often in coercive relationships with the perpetrators"].) Individuals and organizations supporting Senate Bill 1437 specifically highlighted that murder liability should not be imputed onto victims of intimate partner violence, such as Powell, based on the actions of their abusers - and they understood Senate Bill 1437 as serving, in part, to correct that issue.

It is against this backdrop that Powell petitioned in 2019 for resentencing relief pursuant to Senate Bill 1437. (Pen. Code, § 1172.6.) At an evidentiary hearing on her petition for resentencing, Powell presented extensive evidence regarding the intimate partner violence she experienced at the hands of her cohort - the actual killer - as well as expert testimony regarding the effects of intimate partner violence. As to how intimate partner violence factored into her participation in

the offense, an expert testified that “a person who has been involved in a cycle of domestic violence may no longer be able to perceive a situation as ‘pretty dangerous, or potentially lethal,’ ” that “a victim of domestic violence might rob someone in order to appease their abuser to prevent further abuse,” and that “[t]he domestic violence victim may not even appreciate the risks associated with using a loaded firearm to commit that robbery.” (*People v. Powell* (Jan. 17, 2023, C094553) [nonpub. opn.])

In denying her petition for resentencing relief, the trial court found beyond a reasonable doubt that Powell was a major participant in the underlying robbery who acted with reckless indifference for human life. In evaluating the *Clark* factors for determining reckless indifference to human life (*People v. Clark* (2016) 63 Cal.4th 522, 617 (*Clark*)), the trial court concluded the evidence of Powell experiencing intimate partner violence - specifically, her knowing “first-hand” of her cohort’s propensity for violence - supported a finding of reckless indifference to human life. (See *Clark*, at p. 621 [“A defendant’s knowledge of factors bearing on a cohort’s likelihood of killing are significant to the analysis of reckless indifference to human life”].) The court made no express findings regarding the expert’s testimony that intimate partner violence could have diminished Powell’s ability to perceive the situation as lethally dangerous. There is also no indication the trial court accounted for Powell’s youthful age or the fact that she was a victim of human trafficking.

I disagree that intimate partner violence evidence should be used to show that a victim of intimate partner violence knew of their cohort’s propensity to use lethal violence based on their personal experience of being abused. (See *Clark, supra*, 63 Cal.4th at p. 621.) In this case, the trial court’s only direct evaluation of the intimate partner violence evidence appears to be a conclusion that because Powell suffered near-lethal harm at the hands of her cohort, she knew of the likelihood that he would kill their robbery victim. Notably, the trial court’s consideration of the intimate partner violence evidence in this manner contradicted the expert’s testimony as to the effects of intimate partner violence on victims. The trial court’s treatment of intimate partner violence evidence - which, again, is generally understood as a mitigating circumstance - to increase an intimate partner violence victim’s culpability is not an anomaly. (See, e.g., *In re Harper* (2022) 76 Cal.App.5th 450, 461 [highlighting that “petitioner had personal experience with [his cohort’s] violent tendencies, having been the victim of [his] beatings” in evaluating the *Clark* factors].) As the Court of Appeal here noted, Evidence Code section 1107, relating to the admissibility of expert testimony on intimate partner violence, does not expressly contain any such guardrails precluding consideration of intimate partner violence evidence in this manner.

Because it is unclear how much weight the instant trial court gave to its consideration of the intimate partner violence evidence in supporting its finding of reckless indifference, and given the deferential standard of review on appeal, I do not vote to grant review. However, there are several mechanisms - such as a recall of sentence (Pen. Code, § 1172.1, subd. (a)(4)) and parole suitability consideration (Cal. Code Regs., tit. 15, § 2281, subd. (d)(5) [listing “Battered Woman Syndrome” as a circumstance indicating suitability for parole]) - that may serve to give just consideration to Powell’s experience as a victim of intimate partner violence, as well as her youthful age and her experience as a victim of human trafficking. In any event, there remains a

need for additional guidance on this issue - if not from the courts, from the Legislature.

EVANS, J.

I Concur:  
LIU, J.

**S278632** H049039 Sixth Appellate District

**PEOPLE v. MOODY  
(ROBERT LEWIS)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

**S278633** E078092 Fourth Appellate District, Div. 2

**KOSLOW (DAVID S.) v.  
DATA TICKET, INC.**

Application to transfer denied

The petition to transfer cause E078092, currently pending before the Court of Appeal, Fourth Appellate District, Division Two, to this court for decision is denied.

**S278636** E078594 Fourth Appellate District, Div. 2

**KOSLOW (DAVID S.) v.  
STATE BAR OF  
CALIFORNIA**

Application to transfer denied

The petition to transfer cause E078594, currently pending before the Court of Appeal, Fourth Appellate District, Division Two, to this court for decision is denied.

**S278678** C094669 Third Appellate District

**PEOPLE v. MANETTA (RYAN  
JAY)**

Petition for review denied

**S278688** E079461 Fourth Appellate District, Div. 2

**KOSLOW (DAVID S.) v.  
DATA TICKET INC.**

Application to transfer denied

The petition to transfer cause E079461, currently pending before the Court of Appeal, Fourth Appellate District, Division Two, to this court for decision is denied.

**S278689** H048413 Sixth Appellate District

**LIN (WALLACE) v. FLAKES  
(SOOHYUNG)**

Petition for review denied

**S278694** E079296 Fourth Appellate District, Div. 2

**KOSLOW (DAVID S.) v. CITY  
OF CATHEDRAL CITY**

Application to transfer denied

The petition to transfer cause E079296, currently pending before the Court of Appeal, Fourth Appellate District, Division Two, to this court for decision is denied.

**S278709** B319212 Second Appellate District, Div. 7

**PEOPLE v. WRIGHT (JOHN  
EDWARD)**

Petition for review denied

**S278721** E073918 Fourth Appellate District, Div. 2

**PEOPLE v. BUSKIRK  
(NICHOLAS ED)**

Petition for review denied

**S278742** B322539 Second Appellate District, Div. 7

**PEOPLE v. HERNANDEZ  
(CARLOS)**

Petition for review denied

**S278746** B318851 Second Appellate District, Div. 3

**PEOPLE v. FAATAI  
(TAYLOR L.)**

Petition for review denied

**S278748** G060856 Fourth Appellate District, Div. 3

**ILOH (CONSTANCE) v. THE  
REGENTS OF THE  
UNIVERSITY OF  
CALIFORNIA (THE CENTER  
FOR SCIENTIFIC  
INTEGRITY, INC.)**

Petition for review denied



<b>S278750</b>	B325360 Second Appellate District, Div. 5	<b>PEOPLE v. ESPINOZA (ALEJANDRO)</b>
Petition for review denied		
<b>S278756</b>	H047311 Sixth Appellate District	<b>PEOPLE v. RODRIGUEZ (LEONCIO CORONA)</b>
Petition for review denied		
<b>S278764</b>	H049182 Sixth Appellate District	<b>PEOPLE v. GEORGE (CHARLES WESLEY)</b>
Petition for review denied		
<b>S278766</b>	B313101 Second Appellate District, Div. 4	<b>PEOPLE v. ORDONEZ (MARCO TULIO)</b>
Petition for review denied		
<b>S278787</b>	B312389 Second Appellate District, Div. 6	<b>PEOPLE v. Q. (BRIAN)</b>
Petition for review denied		
<b>S278788</b>	D080933 Fourth Appellate District, Div. 1	<b>PEOPLE v. S.C. (BOGET)</b>
Petition for review denied		
<b>S278791</b>	C094353 Third Appellate District	<b>PEOPLE v. BERGSTROM (HAWK BLAZE)</b>
Petition for review denied		
<b>S278793</b>	B315752 Second Appellate District, Div. 2	<b>PEOPLE v. TRACCHIA, JR., (GLENN MATTHEW)</b>
Petition for review denied		
<b>S278795</b>	B319157 Second Appellate District, Div. 3	<b>PEOPLE v. GRIFFIN (DOMINICK DONNELL)</b>
Petition for review denied		

- S278796** B301047 Second Appellate District, Div. 6 **PEOPLE v. ANAYA  
(ALVARO)**  
Petition for review denied
- S278800** F082986 Fifth Appellate District **PEOPLE v. GONZALES-GAY  
(JAMES MATTHEW)**  
Petition for review denied
- S278801** G061101 Fourth Appellate District, Div. 3 **PEOPLE v. HERRERA (JESUS  
SEGURA)**  
Petition for review denied
- S278811** A164246 First Appellate District, Div. 3 **PEOPLE v. LINDSTROM  
(GARY LEE)**  
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.
- S278820** B310739/B312299 Second Appellate District, Div. 2 **CESSNA (JEFFREY) v.  
SOUTHERN CALIFORNIA  
EDISON COMPANY**  
Petition for review denied
- S278831** G060373 Fourth Appellate District, Div. 3 **PEOPLE v. WALLACE  
(WILLIAM)**  
Petition for review denied
- S278840** B317642 Second Appellate District, Div. 1 **PEOPLE v. MADDOX, JR.,  
(QUINTON)**  
Petition for review denied
- S278843** H048062 Sixth Appellate District **PEOPLE v.  
VARGASARELLANO (IVAN)**  
Petition for review denied
- S278845** A164645 First Appellate District, Div. 2 **IN RE A.H.**  
Petition for review denied

**S278847** F081768 Fifth Appellate District

Petition for review denied

**PEOPLE v. CHANCE (LESLIE JENEA)**

**S278848** H049485 Sixth Appellate District

Petition for review denied

**PEOPLE v. RAMIREZ (IGNACIO)**

**S278857** B320067 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. DOMINGUEZ (VINCENT)**

**S278861** H047331 Sixth Appellate District

Petition for review denied

**PEOPLE v. ARJONA (GERMAN ALEXIS)**

**S278869** C095597 Third Appellate District

Petition for review denied

**PEOPLE v. LYLE (TREVON)**

**S278873** B315722 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BINNS (KHAALIQ)**

**S278874** B326327 Second Appellate District, Div. 7

Petition for review denied

**LANGRAM (LaCHARRIE DIANE) ON H.C.**

**S278875** H050722 Sixth Appellate District

Petition for review denied

**NEUFELD (JOSEPH) v. BANK OF NEW YORK MELLON**

**S278876** C096094 Third Appellate District

Petition for review denied

**PEOPLE v. SCOTT, JR., (LAWRENCE)**

**S278886** G061163 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ZUNZACHAN  
(ROGER ALBERTO)**

**S278888** G061333 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GALARZA  
(DAMIEN LEONARD)**

**S278899** B317087 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. PEREZ (SANDRO  
SYLVESTRE)**

**S278900** F078900 Fifth Appellate District

Petition for review denied

**PEOPLE v. GARZA (ANGEL  
MIGUEL)**

**S278901** A167075 First Appellate District, Div. 3

Petitioner's motion to seal 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 file the unredacted petition for review under seal.

The petition for review is denied.

The stay previously issued by this court is dissolved.

**S.D.P. v. S.C. (PEOPLE)**

**S278902** C094976 Third Appellate District

Petition for review denied

**PEOPLE v. VILLARREAL  
(ERIC)**

**S278903** A166782 First Appellate District, Div. 4

Petition for review denied

**WEBSTER (JACOB) v. S.C.  
(PEOPLE)**

**S278904** F080617 Fifth Appellate District

Petition for review denied

**PEOPLE v. VELASQUEZ  
(ANDREW FRANCISCO)**

**S278925** B322682 Second Appellate District, Div. 8

Petitions for review denied

**PEOPLE v. FLORES  
(JOAQUIN)**

**S278930** B326517 Second Appellate District, Div. 7

Petition for review denied

**VALENCIA (JOSE CAMILO)  
ON H.C.**

**S278939** F082548 Fifth Appellate District

Petition for review denied

**PEOPLE v. MILLS  
(MICHAEL HENRY)**

**S278945** H049903 Sixth Appellate District

Petition for review denied

**IN RE J.R.**

**S278949** C095040 Third Appellate District

Petition for review denied

**PEOPLE v. MORGAN (JASON  
ERIC)**

**S278963** C095059 Third Appellate District

Petition for review denied

**PEOPLE v. JACKSON  
(ARTIS)**

**S278965** G060597 Fourth Appellate District, Div. 3

Petition for review denied

**STARR (JONATHAN) v.  
ASHBROOK (M. THOMAS)**

**S278983** C094983 Third Appellate District

Petition for review denied

**PEOPLE v. ADDISON  
(CONSTANCE NICOLE)**

**S278984** A165333 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ORNELAS  
(RODRIGO ESCOBAR)**

- S278985**      B326354 Second Appellate District, Div. 6      **B. (SAMANTHA) v. S.C.  
(AURORA VISTA DEL MAR,  
LLC)**  
Petition for review & application for stay denied
- S278989**      A162315 First Appellate District, Div. 2      **PEOPLE v. FUENTES  
(ISRAEL FABIAN)**  
Petition for review denied
- S279009**      B313825 Second Appellate District, Div. 1      **PEOPLE v. NELSON  
(SERGIO)**  
Petition for review denied
- S279053**      **BENNETT (PAMELA) v.  
COURT OF APPEAL,  
FOURTH APPELLATE  
DISTRICT, DIVISION ONE  
(CIELO HOMEOWNERS  
ASSOCIATION)**  
Petition for writ of mandate/prohibition & application for stay denied
- S279191**      E080228 Fourth Appellate District, Div. 2      **FADEL (MOHAMED) v. S.C.  
(ORTEGA)**  
Petition for review & application for stay denied
- S273149**      **BERUMEN (ADRIAN) ON  
H.C.**  
Petition for writ of habeas corpus denied
- S274081**      **E. (MICHAEL) ON H.C.**  
The motion for appointment of counsel is denied.  
The petition for writ of habeas corpus is denied.  
We order the clerk of the court to remove petitioner's last name from our publicly available records in Case Nos. S230753 and S230740.

**S276414****RODRIGUEZ (PEDRO) ON  
H.C.**

The requests for judicial notice are denied.  
The petition for writ of habeas corpus is denied.

**S277580****DRUCKENMILLER (BUCK  
JAMES) 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].)

**S277600****DARTY (KORY) ON H.C.**

Petition for writ of habeas corpus denied

**S277619****LUCERO (JASON LEE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S277760****HAGE (CHARLES) ON H.C.**

Petition for writ of habeas corpus denied

**S277783****MOORE (STEVEN  
COURTNEY) 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 Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

**S277838****PONCE, SR., (TOMMY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S277847****LEWIS (DAVID LAMONT)  
ON H.C.**

Petition for writ of habeas corpus denied

**S277855****AVILA (PERRY ROBERT) ON  
H.C.**

Petition for writ of habeas corpus denied

**S277867****WALKER (ROBERT J.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S277887****PUGH (JONATHAN) ON H.C.**

Petition for writ of habeas corpus denied

**S277921****HUBBLE (JESSE LEE) 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 Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**S277932****COWAN (TYRONE JUSTIN)  
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].)

**S277943****NEWTON (DARRYL  
DAVONN JOHN) ON H.C.**

Petition for writ of habeas corpus denied

**S277958****LOPEZ (ROBERT  
ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied

**S277961****ANDERSON (ANGEL) ON  
H.C.**

Petition for writ of habeas corpus denied



**S277987****HORN (SAMUEL PRIETO)  
ON H.C.**

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. Hardin*, S277487.

**S278146****MUHAMMAD (KWESI  
KHARY) 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].)

**S278189****MORENO (CHRISTIAN) 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].)

**S278190****PIERSON (MARLIN JUAN)  
ON H.C.**

Petition for writ of habeas corpus denied

**S278195****HUMPHRIES, JR., (FELTON  
LADELL) 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].)

**S278207****DELPHIN (JEREMY N.) ON  
H.C.**

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. Hardin*, S277487.

**S278209****RAMSEY (DANIEL CHRIS)  
ON H.C.**

Petition for writ of habeas corpus denied

**S278212**

Petition for writ of habeas corpus denied

**CASEY II (SEAN L.) ON H.C.****S278226**

Petition for writ of habeas corpus denied

**SOLANO (JULIO) ON H.C.****S278228**

Petition for writ of habeas corpus denied

**RODRIGUEZ (PEDRO) ON  
H.C.****S278229**

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]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

**EDWARDS (ANTHONY A.)  
ON H.C.****S278237**

Petition for writ of habeas corpus denied

**WELLS (MATTHEW) ON  
H.C.****S278250**

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].)

**HERRERA (ROBERTO) ON  
H.C.****S278251**

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].)

**THOMAS (LARRY JOSEPH)  
ON H.C.****S278252**

Petition for writ of habeas corpus denied

**QUIROZ (SERGIO) ON H.C.**

**S278258****FEISE (RONALD LEON) ON  
H.C.**

Petition for writ of habeas corpus denied

**S278465****JACKSON (MARQUIS  
DELANE) ON H.C.**

Petition for writ of habeas corpus denied

**S278467****VETTER (GEORGE  
WILLIAM) 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].) 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 Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence].)

**S278475****THOMPSON (GERALD  
PIERRE) 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].)

**S278489****GREEN (VENCIL CHESTER)  
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].)

**S278491****FRIAS, JR., (GREGORIO) 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].)

**S278515****VILLAFANE (ROMUALDO)  
ON H.C.**

Petition for writ of habeas corpus denied

**S278639****RODRIGUEZ (PEDRO) ON  
H.C.**

Petition for writ of habeas corpus denied

**S278815****MORA (ISMAIL) ON H.C.**

Petition for writ of habeas corpus denied

**S278883****WASHINGTON (RODERICK)  
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]; *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].) Individual claims are denied, as applicable. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

**S278913****KELLY (JAMES CARL) 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 Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**S279020****WASHINGTON (RODERICK)  
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]; *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].)

**S279022****WASHINGTON (RODERICK)  
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]; *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].)

**S279023****WASHINGTON (RODERICK)  
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]; *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].) Individual claims are denied, as applicable. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

**S279078****THOMAS (HOSH) ON H.C.**

Petition for writ of habeas corpus denied

**S278436**

F085495 Fifth Appellate District

**PABLA (PARKASH) v. S.C.  
(DUAL ARCH  
INTERNATIONAL, INC.)**

Publication ordered (case closed)

As recommended by the Court of Appeal, the Reporter of Decisions is directed to publish the Court of Appeal opinion in the above-entitled matter in the Official Reports. (Cal. Rules of Court, rule 8.1120(c).)

**S277856**

E079604 Fourth Appellate District, Div. 2

**PEOPLE v. S.C. (ZESK)**

Publication request denied (case closed)

**S278025**

B322686 Second Appellate District, Div. 4

**SASCO v. CSI ELECTRICAL  
CONTRACTORS, INC.**

Publication request denied (case closed)

**S278192** A162514 First Appellate District, Div. 5

**YOUNG (LATAYA) v.  
PLANET HEALTH FITNESS  
LLC**

Publication request denied (case closed)

**S278406** C091966 Third Appellate District

**ANGUIANO (DELIA) v. CITY  
OF MANTECA**

Publication requests denied (case closed)

**S278835** B314968 Second Appellate District, Div. 2

**DARBY (AISHA) v.  
SISYPHIAN, LLC**

Depublication request denied (case closed)

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.

**S278353** B302426/B303196 Second Appellate District, Div. 1

**RAPIER (MARY LYNN) v.  
PRIME HEALTHCARE  
SERVICES - ENCINO  
HOSPITAL, LLC**

The time for granting or denying review in the above-entitled matter is hereby extended to May 23, 2023.

**S278551** C092640 Third Appellate District

**WU (REBECCA) v. PUBLIC  
EMPLOYMENT RELATIONS  
BOARD (TWIN RIVERS  
UNITED EDUCATORS)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 22, 2023.

**S278685** B309418 Second Appellate District, Div. 1

**GROSZ (STANLEY E.) v.  
CALIFORNIA DEPARTMENT  
OF TAX & FEE  
ADMINISTRATION  
(AMAZON SERVICES, LLC)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 22, 2023.

**S278691** H049188 Sixth Appellate District **PEOPLE v. S.C. (CORTEZ)**  
The time for granting or denying review in the above-entitled matter is hereby extended to  
May 22, 2023.

**S278733** H050066 Sixth Appellate District **IN RE G.L.**  
The time for granting or denying review in the above-entitled matter is hereby extended to  
May 22, 2023.

**S278768** D080176 Fourth Appellate District, Div. 1 **PEOPLE v. KITE (RYAN)**  
The time for granting or denying review in the above-entitled matter is hereby extended to  
May 25, 2023.

**S065877** **PEOPLE v. LOPEZ (BOBBY)**  
**& TRUJEQUE (JAMES)**

Extension of time granted

On application of appellant Bobby Lopez, it is ordered that the time to serve and file appellant's  
opening brief is extended to June 6, 2023.

**S142959** **PEOPLE v. YOUNG**  
**(DONALD RAY) & YOUNG**  
**(TIMOTHY JAMES)**

Extension of time granted

Upon application of Assisting State Public Defender Denise Kendall, an extension of time in  
which to serve and file Donald Young's opening brief is granted to June 2, 2023. The court  
anticipates that after that date, only five further extensions totaling about 306 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).).

**S151493** **PEOPLE v. CARDENAS**  
**(REFUGIO RUBEN)**

Extension of time granted

Based upon Deputy Attorney General Tia M. Coronado's representation that the second  
supplemental respondent's brief is anticipated to be filed by May 23, 2023, an extension of time in  
which to serve and file that brief is granted to May 23, 2023. After that date, no further extension  
is contemplated.

**S206515****PEOPLE v. MILLS (DAVID)**

Extension of time granted

Based upon Assistant Chief Counsel Kathleen M. Scheidel's representation that the appellant's reply brief is anticipated to be filed by January 12, 2024, an extension of time in which to serve and file that brief is granted to June 12, 2023. After that date, only four further extensions totaling about 216 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).)

**S241359****PEOPLE v. RHOADES  
(CHERIE LOUISE)**

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 June 14, 2023.

**S246033****PEOPLE v. BARRERA  
(RAYMOND ALEX)**

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 June 2, 2023.

**S230740****E. (MICHAEL) ON H.C.**

Order filed

Order filed in related case S274081:

The motion for appointment of counsel is denied.

The petition for writ of habeas corpus is denied.

We order the clerk of the court to remove petitioner's last name from our publicly available records in Case Nos. S230753 and S230740.

**S230753**

H038422 Sixth Appellate District

**PEOPLE v. E. (MICHAEL)**

Order filed

Order filed in related case S274081:

The motion for appointment of counsel is denied.

The petition for writ of habeas corpus is denied.

We order the clerk of the court to remove petitioner's last name from our publicly available



records in Case Nos. S230753 and S230740.

**S278348**

Petition denied

(accusation)

**ACCUSATION OF KOSLOW**

**S278620**

Petition denied

(accusation)

**ACCUSATION OF  
HARRISON**

**S278706**

Petition denied

(accusation)

**ACCUSATION OF CRAIG**