

**SUPREME COURT MINUTES  
WEDNESDAY, MAY 1, 2024  
SAN FRANCISCO, CALIFORNIA**

**S283862**      A165558 First Appellate District, Div. 4  
Petition for review granted

**GILEAD TENOFOVIR CASES**

The applications to appear as counsel pro hac vice are granted. (Cal. Rules of Court, rule 9.40.)  
The petition for review is granted.  
Jenkins, J., was recused and did not participate.  
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, and Evans, JJ.

**S169090**

**PEOPLE v. CHOYCE  
(WILLIAM JENNINGS)**

Supplemental briefing ordered

If appellant contends any changes in the law (including any ameliorative statute) since the filing of the reply brief are relevant to this appeal, appellant shall serve and file a supplemental opening brief not to exceed 50 pages on or before June 17, 2024, addressing those changes and their relevance to this case. Within 30 days after any supplemental opening brief has been filed pursuant to this order, the People may serve and file a supplemental answering brief, not to exceed 50 pages in length. 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.

**S284011** B312212/B316290 Second Appellate District, Div. 5 **MORALES (CHRISTOPHER)  
v. GARFIELD BEACH CVS,  
LLC; HYAMS (RYAN)**

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 *Turrieta v. Lyft (Seifu)*, S271721 (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.  
The request for an order directing publication of the opinion is denied.  
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

**S284232** E080611 Fourth Appellate District, Div. 2 **PEOPLE v. MARES (DANIEL OLIVER)**

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.

**S284253** B335270 Second Appellate District, Div. 6 **SESSING (NATHAN GREGORY) ON H.C.**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Six, 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 Six. That court is ordered to vacate its summary denial dated March 12, 2024, and is further ordered to issue an order to show cause, returnable before that court. The Secretary of the Department of Corrections and Rehabilitation is to be ordered to show cause why the relief prayed for should not be granted. (Cal. Rules of Court, rule 8.528(d).)

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

**S277547** B306275/B308339 Second Appellate District, Div. 6 **FIGUEROA (RAUL B.) v. FCA US, LLC**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Six

Review in the above-captioned matter, which was granted and held for *Niedermeier v. FCA US LLC* (2024) 15 Cal.5th 792, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

**S283717** A165198 First Appellate District, Div. 5 **PEOPLE v. COLEMAN (DEMETRIUS)**

Petition for review denied

The petition for review is denied.

(See Concurring Statement by Justice Evans)

I agree with my colleagues that this is not an appropriate case in which to grant review. I write separately, however, to discuss the proper inquiry under the California Racial Justice Act of 2020 (RJA) (Stats. 2020, ch. 317) when a defendant alleges discrimination by their attorney.

Defendant Demetrius Coleman testified in his own defense at his trial for special circumstance murder in 2020. Following his testimony, Coleman brought a *Marsden* motion (*People v. Marsden* (1970) 2 Cal.3d 118) in the trial court to replace his appointed counsel. Coleman, a Black man, claimed his counsel discriminated against him by advising him to “speak [E]bonics,” “sound ghetto,” and “talk hood” when he testified. In response, trial counsel did not deny Coleman’s claims but explained she was advising him to testify authentically and “‘[s]peak how you speak.’” On December 30, 2020, the trial court denied the *Marsden* motion, finding Coleman failed to demonstrate his counsel rendered ineffective assistance. The court appointed new counsel to explore a potential motion for a new trial based on another ground of ineffective assistance. After its ruling, Coleman asked the trial court if it was acceptable for counsel to advise their client “to sound ghetto right before he gets on the stand and testifies for his life.” The trial court responded: “I can understand an attorney telling someone . . . [¶] . . . [¶] to be yourself.” The court stated new counsel could further explore that issue “whether or not which words were used.” Ultimately, Coleman’s new counsel did not raise any claim relating to counsel’s advisements regarding Coleman’s testimony. At sentencing, in April 2022, Coleman again told the trial court that his prior counsel had advised him “to speak ebonese [sic], sound hood . . . and sound like a thug.” The trial court sentenced Coleman to life without the possibility of parole, along with additional determinate terms.

The Legislature enacted the RJA “to eliminate racial bias from California’s criminal justice system.” (Stats. 2020, ch. 317, § 2(i).) The Legislature pronounced that “racism in any form or amount, at any stage of a criminal trial, is intolerable, inimical to a fair criminal justice system, is a miscarriage of justice under article VI of the California Constitution, and violates the laws and Constitution of the State of California.” (*Ibid.*) As relevant here, an RJA violation occurs when specific actors, including counsel, exhibit racial bias - explicit or implicit. (Pen. Code, § 745, subd. (a)(1) & (2).) “Implicit bias, although often unintentional and unconscious, may inject racism and unfairness into proceedings similar to intentional bias.” (Stats. 2020, ch. 317, § 2(i).) When an RJA violation occurs, the court shall impose an appropriate remedy. (Pen. Code, § 745, subd. (e).)

In rejecting his RJA claim, the Court of Appeal focused on Coleman’s testimony and concluded “[n]othing about defendant’s use of [slang] terms or the manner of his overall testimony suggests that his attorney exhibited racial bias or animus toward him.” (*People v. Coleman* (2024) 98 Cal.App.5th 709, 722 (*Coleman*)). The Court of Appeal also opined that counsel did not render ineffective assistance of counsel - which requires a showing of prejudice - because she had a tactical reason for advising Coleman to not change the way in which he spoke. (*Ibid.*) The Court of Appeal’s analysis suggests that establishing an RJA violation hinges on whether a defendant can demonstrate the alleged bias constituted ineffective assistance of counsel or otherwise had a tangible or prejudicial impact on the proceeding. Given the need for guidance, I write separately to underscore the proper inquiry in determining whether an RJA violation occurred when a defendant alleges bias by their attorney.

The RJA requires a court to determine whether there was an exhibition of racial bias or animus against the defendant. In this case, the question is whether counsel’s advisements to Coleman

regarding the manner in which he should testify violate the RJA. Coleman argues the record establishes his counsel advised him to “sound ghetto,” “sound hood,” and “sound like a thug,” and such advisements reflect racial bias, in violation of the RJA. The Court of Appeal emphasized the record “reflects that the trial court credited defense counsel’s statement that she told [Coleman] to ‘be yourself.’ ” (*Coleman, supra*, 98 Cal.App.5th at p. 722.) It further opined: “Even if we assume that in preparation for defendant’s testimony defendant or defense counsel used slang terms regarding defendant’s manner of speaking, when considered in the context of giving advice to testify authentically, we find no violation of the RJA.” (*Ibid.*)

Advisements to “sound ghetto,” “sound hood,” and “sound like a thug” are wholly different from general advice that one should testify authentically. These specific terms have deeply racialized and pejorative meanings that are widely known. They are laden with negative stereotypes including associations with heightened criminality, violence, and reduced humanity. In my view, these particular advisements, standing alone, would be sufficient to infer Coleman’s counsel exhibited at least implicit bias. However, it is unclear from the record whether counsel advised Coleman in this exact manner. As the Court of Appeal noted, Coleman did not move for a stay and remand to the trial court for further proceedings. (See Pen. Code, § 745, subd. (b).) Had he done so, the trial court could have conducted an evidentiary hearing to determine if counsel specifically advised Coleman to “sound ghetto,” “sound hood,” and “sound like a thug.” (See Pen. Code, § 745, subd. (c).) An evidentiary hearing would have also presented Coleman with an opportunity to introduce any additional evidence, such as social science research or expert testimony, to demonstrate such statements evince racial bias.<sup>1</sup> (See Pen. Code, § 745, subd. (c)(2).)

---

<sup>1</sup> Coleman filed a petition for a writ of habeas corpus - which provides another avenue for obtaining an evidentiary hearing relating to an RJA claim (see Pen. Code, § 745, subd. (b)) - in the Court of Appeal. The Court of Appeal summarily denied his habeas petition. Coleman did not file a petition for review before this court challenging that summary denial.

In my view, the trial court should have conducted further inquiry into Coleman’s allegations. While the RJA technically became effective two days after the trial court’s *Marsden* ruling, the court could have asked counsel whether she made the specific statements Coleman alleged when considering the *Marsden* motion or afterwards when Coleman asked the court whether the alleged comments by counsel were acceptable. Had Coleman made his *Marsden* motion two days later, when the RJA became effective, it would have been appropriate - perhaps even required - for the court to construe his motion and argument as raising an RJA claim. (See Pen. Code, § 745, subd. (b) [“a defendant *may* file a motion . . . alleging a violation of subdivision (a)” (italics added)].) And when Coleman once again brought up the issue at his sentencing hearing in 2022, the trial court certainly could have inquired further into his allegations. The court’s failure to do so appears to offend the RJA’s demand that courts be scrupulous in examining concerns like the ones Coleman repeatedly raised here. The RJA was enacted because “[e]ven though racial bias is widely acknowledged as intolerable in our criminal justice system, it nevertheless persists because courts generally only address racial bias in its most extreme and blatant forms.” (Stats. 2020, ch.

317, § 2(c).) In enacting the RJA, the Legislature acknowledged “all persons possess implicit biases [citation], . . . these biases impact the criminal justice system [citation], . . . [and] negative implicit biases tend to disfavor people of color.” (Stats. 2020, ch. 317, § 2(g); see also *id.*, § 2(i).) The RJA contemplates the possibility of violations from varied actors in the legal system; neither defense counsel nor the courts are exempt. (See, e.g., Pen. Code, § 745, subd. (a)(1)-(2).) Whether or not Coleman’s defense was prejudiced by counsel’s guidance, public confidence in our legal system depends on identifying and eliminating racial bias, however subtle, wherever it appears.

In light of the underdeveloped record, I do not vote to grant review. Nevertheless, the question remains whether Coleman could have established an RJA violation had the trial court conducted a more probing inquiry into his claims. If Coleman’s counsel actually advised him in the manner he alleges, it appears the answer is yes as such advisements reflect racial bias that the RJA was designed to uproot, to ensure racial discrimination - in all its forms - is eradicated from our criminal justice system.

EVANS, J.

I Concur:  
LIU, J.

**S283742** H049949 Sixth Appellate District

**RAMSEY (CHARLES) v.  
COMCAST CABLE  
COMMUNICATIONS, LLC**

Petition for review denied

**S283872** E078113 Fourth Appellate District, Div. 2

**SYMONS EMERGENCY  
SPECIALTIES v. CITY OF  
RIVERSIDE**

Petition for review & depublication request(s) denied

**S283947** H049430 Sixth Appellate District

**PEOPLE v. FERENZ  
(RONALD GORDON)**

Petition for review & depublication request(s) denied

**S283974** C095228 Third Appellate District

**CHURCHON (JANE) v.  
SUTTER VALLEY  
HOSPITALS**

Petition for review & publication request(s) denied

**S283979** B322619/B325922 Second Appellate District, Div. 7 **CAMPBELL (RUTH) v. FPI MANAGEMENT, INC.**

Petition for review denied

**S284004** F085325 Fifth Appellate District

**RIAZ (SAMREEN) v. KAWEAH HEALTH MEDICAL CENTER**

Petition for review & application for stay denied

**S284012** C097853 Third Appellate District

**RANDALL (DAWN VIRGINIA) v. INTEL INTERNATIONAL CORPORATION**

Petition for review denied

**S284015**

**KIERNAN (AILEEN) v. S.C. (LOPEZ)**

Petition for writ of mandate/prohibition & application for stay denied

**S284016** A168177 First Appellate District, Div. 3

**RATTAN (KOMAL) & PRASAD (ABHIJIT), MARRIAGE OF**

Petition for review denied

**S284018** H050445 Sixth Appellate District

**LAMBDIN (EVELYN M.) v. MANGOLD PROPERTY MANAGEMENT, INC.**

Petition for review denied

**S284021** B324559 Second Appellate District, Div. 8

**PEOPLE v. TAYLOR (ISAAC WILLIAM)**

Petition for review denied

**S284025** A169631 First Appellate District, Div. 3

**JIANG (LEI) v. S.C. (CHU)**

Petition for review denied

**S284028** B321808 Second Appellate District, Div. 8

Petition for review denied

**SARNO (LISA) v. CITY OF  
LOS ANGELES**

**S284029** B326682 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. THOMAS  
(EDWARD NOEL)**

**S284034** B335079 Second Appellate District, Div. 2

Petition for review denied

**ANGLIN (SHANA) v. S.C.  
(VILLANUEVA)**

**S284036** D081546 Fourth Appellate District, Div. 1

Petition for review denied

**RINARD (RICHARD JOHN) v.  
POSITIVE INVESTMENTS,  
INC.**

**S284045** C096270 Third Appellate District

Petition for review denied

**GORDON (DAVID J.) v.  
UNION PACIFIC RAILROAD  
COMPANY**

**S284055** B335142 Second Appellate District, Div. 5

Petition for review denied

**CALHOON (ERNEST) v. S.C.  
(CHA)**

**S284056** B327768 Second Appellate District, Div. 1

Petition for review denied

**SCARLATELLI  
(MISCHELYNN & MARK),  
MARRIAGE OF**

**S284066** H050879 Sixth Appellate District

Petition for review denied

**EARLS (MARI-LYNNE) &  
AMDAHL (CARLTON G.),  
MARRIAGE OF**

**S284090** B323186 Second Appellate District, Div. 2

Petition for review denied

**SHALGOUN (ALI) v. NORTH  
LOS ANGELES COUNTY  
REGIONAL CENTER, INC.**

**S284098** H050205 Sixth Appellate District

Petition for review denied

**LI (LIN) v. COLE HAAN LLC**

**S284116** D079955 Fourth Appellate District, Div. 1

Petition for review denied

**SCHUCK (ANDREA L.) &  
EMERT (ROBERT),  
MARRIAGE OF**

**S284137** B325319 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. SERRANO  
(ONOFRE)**

**S284147** B328350 Second Appellate District, Div. 5

Petition for review denied

**BABAZADEH (RABIN) v.  
RUBIN (MICHAEL P.)**

**S284151** B329350 Second Appellate District, Div. 3

Petition for review denied

**HARSINI (MIKE) v. RAHIMI  
(MOSTAFA)**

**S284152** A166408 First Appellate District, Div. 4

Petition for review denied

**IN RE M.B.**

**S284160** F085046 Fifth Appellate District

Petition for review denied

**KARBASSI (MIKE) v. SORIA  
(ESMERALDA)**

**S284164** B323731 Second Appellate District, Div. 5

Petition for review denied

**RIDDICK (JASON) v. CITY  
OF MALIBU**



<b>S284165</b>	B319977 Second Appellate District, Div. 6 Petition for review denied	<b>IN RE G.M.</b>
<b>S284170</b>	B327413 Second Appellate District, Div. 2 Petition for review & depublication request(s) denied	<b>NORWALK, CITY OF v. CITY OF CERRITOS</b>
<b>S284175</b>	C097453 Third Appellate District Petition for review denied	<b>BRACEWELL (KEITH) v. STATE DEPARTMENT OF PUBLIC HEALTH</b>
<b>S284178</b>	B330584 Second Appellate District, Div. 6 Petition for review denied	<b>PEOPLE v. MCGRAW (CALVIN)</b>
<b>S284185</b>	B332432 Second Appellate District, Div. 8 Petition for review denied	<b>RACZ (JOHN L.) ON H.C.</b>
<b>S284192</b>	A164118 First Appellate District, Div. 2 Petition for review denied	<b>PEOPLE v. CAMPOS (HUGO ENRIQUE)</b>
<b>S284195</b>	A167875 First Appellate District, Div. 2 Petition for review denied	<b>PEOPLE v. BROGDON (DAVID)</b>
<b>S284220</b>	C100219 Third Appellate District Petition for review & application for stay denied	<b>REESE (GABRIELA O.) v. S.C. (REESE)</b>
<b>S284226</b>	B319220 Second Appellate District, Div. 3 Petition for review denied	<b>PEOPLE v. CASTRO (CHRISTIAN OSBELI)</b>

**S284240** B335369 Second Appellate District, Div. 4

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

**DARCOM HOLDINGS INC. v.  
S.C. (BLACK KNIGHT  
ORIGINATION  
TECHNOLOGIES, LLC)**

**S284243** C097745 Third Appellate District

Petition for review denied

**GARDELLA (DEVLIN) v. SAN  
JOAQUIN COUNTY PUBLIC  
CONSERVATOR**

**S284264** G062263 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. McDOWELL, JR.,  
(WESLEY)**

**S284271** C098199 Third Appellate District

Petition for review denied

**PEOPLE v. HINES (KEVIN)**

**S284280** E079130 Fourth Appellate District, Div. 2

Petition for review denied

**SAN BERNARDINO COUNTY  
FIRE PROTECTION  
DISTRICT v. PAGE (BOB);  
CABLE (ROBERT)**

**S284291** D083698 Fourth Appellate District, Div. 1

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

**EMERT (ROBERT  
ANTHONY) v. S.C. (EMERT)**

**S284293** A166515 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. PARK (THOMAS  
HENDRICKS)**

**S284295** H049857 Sixth Appellate District

Petition for review denied

**PEOPLE v. GONZALEZ  
(EDUARDO DAMIEN)**

**S284300** F084514 Fifth Appellate District

Petition for review denied

**PEOPLE v. QUEEN  
(MATTHEW RICHARD)**

**S284302** F087515 Fifth Appellate District

Petition for review denied

**VILLAREAL (MICHAEL  
VINCENT) ON H.C.**

**S284307** E079702 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. LITTLE (JESSE  
SCOTT)**

**S284308** H051475 Sixth Appellate District

Petition for review & application for stay denied

**MINKOWSKI (JULIA) v. S.C.**

**S284314** C100339 Third Appellate District

Petition for review denied

**MURPHY (DOUGLAS) v. S.C.  
(PEOPLE)**

**S284316** B329878/B330968 Second Appellate District, Div. 5 **IN RE L.L.**

Petition for review denied

**S284320** B322171 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HILL (JOSEPH  
TIMOTHY)**

**S284332** B317573 Second Appellate District, Div. 4

Petition for review denied

**GUZMAN, JR., (JORGE) v.  
YOUNAN (EDWARD)**

**S284335** B334697 Second Appellate District, Div. 3

Petition for review denied

**MADISON (RICKEY RENE)  
ON H.C.**

**S284337** F085632 Fifth Appellate District

Petition for review denied

**PEOPLE v. ORTIZ (JOSE PANTOJA)**

**S284340** F085897 Fifth Appellate District

Petition for review denied

**PEOPLE v. DIXON (DEMETRIUS DEON)**

**S284342**

Petition for review & application for stay denied

**ANDERSON (ASHLIE) v. NASCH PROPERTIES LLC**

**S284343** B328022 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. LAWS (BRIAN KEITH)**

**S284346** B321153/B322247 Second Appellate District, Div. 6  
Petition for review denied

**PEOPLE v. PARIGI (MEGAN)**

**S284348** H049411 Sixth Appellate District

Petition for review denied

**PEOPLE v. PARSONS (JASON THOMAS)**

**S284353** D080003 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GODFREY (MICHAEL)**

**S284357** G061976 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. HILL (PRENTIS JOHN)**

**S284365** A165109/A166275 First Appellate District, Div. 1

Petition for review denied

**SONOMA, COUNTY OF v. STAVRINIDES (ELIAS)**

**S284370** A166669 First Appellate District, Div. 4

**PEOPLE v. PITTMAN  
(JOSHUA JERECO)**

Petition for review denied

**S284372** B325666 Second Appellate District, Div. 6

**PEOPLE v. MONROY  
(JOSEPH WAYNE)**

Petition for review denied

**S284535**

**MUNDY (STANLEY) v.  
COURT OF APPEAL, THIRD  
APPELLATE DISTRICT  
(PEOPLE)**

Petition for writ of mandate/prohibition & application for stay denied

**S284540** A168018 First Appellate District, Div. 4

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

Petition for review & application for stay denied

**S283235**

**NGAUE  
(MOALA-TOFAVAHA) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

**S283285**

**JACOBS (JAMES WILLIAM)  
ON H.C.**

Petition for writ of habeas corpus denied

**S283355**

**BANKS (LUCION LEE  
EDWARD) ON H.C.**

Petition for writ of habeas corpus denied

**S283387**

**WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(4).)

**S283388****WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S283389****WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S283404****LOPEZ (DANIEL PETER) ON  
H.C.**

Petition for writ of habeas corpus denied

**S283438****STANGER (DANA AARON)  
ON H.C.**

Petition for writ of habeas corpus denied

**S283468****HART (SHERMAN) ON H.C.**

Petition for writ of habeas corpus denied

**S283473****HARRIS (EDWARD JAMES)  
ON H.C.**

Petition for writ of habeas corpus denied

**S283525****ARREOLA (CARLOS  
HERNANDEZ) ON H.C.**

Petition for writ of habeas corpus denied

**S283528****NEWBORN (ERIC) ON H.C.**

Petition for writ of habeas corpus denied

**S283531****BENNETT (MARIO KEITH)  
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 Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas

corpus must allege sufficient facts with particularity].)

**S283543**

**TROMBINI (EMANUELE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S283578**

**HOWARD (RAHEEM Q.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence].)

**S284070**

**WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S284071**

**WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S284072**

**WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S284073**

**WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S284077**

**WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S284078**

**WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S284082****WASHINGTON (RODERICK  
NATHANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(5).)

**S284236****GILL (JUSTICE RASHEED)  
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. Petitioner alleges that his defense attorney, the prosecutor, and the trial court “conspired” to impose an excessive sentence; “Black men are 10x more likely to be incarcerated than white men”; and his attorney failed to advise him of his right to appeal. 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, §§ 745, subd. (d) [providing for disclosure of evidence relevant to violations of the Racial Justice Act; motion requesting such disclosure shall describe the types of records or information sought]; 1473, subd. (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts constituting a violation of the Racial Justice Act].) Petitioner does not describe or attach supporting documentary evidence concerning racial bias or animus or the use of racially discriminatory language, he does not explain how the alleged actions of his attorneys or others reflected racial bias or animus, and he does not allege facts showing that he was charged or convicted of a more serious offense or suffered a longer or more severe sentence when compared with other similarly situated individuals. (Pen. Code, § 745, subds. (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.

**S284329**

H050013 Sixth Appellate District

**PEOPLE v. PAYNE (ORRIN  
WILLIAM)**

No action taken; court declines to grant review on its own motion

The court declines to review this matter on its own motion. The matter is now final.

**S284409**

G063847 Fourth Appellate District, Div. 3

**PEOPLE v. ACOSTA SOTO  
(JUAN JOSE)**

Stay order filed

To permit consideration of the petition for review filed herein, all further proceedings in *People v. Juan Jose Acosta Soto*, Orange County Superior Court No. 20NF3439, are hereby stayed pending further order of this court.



**S283609** B321883 Second Appellate District, Div. 4

Publication request denied (case closed)

**JOHN DOE v. UNIVERSITY  
OF SOUTHERN  
CALIFORNIA**

**S283611** E079098 Fourth Appellate District, Div. 2

Publication request denied (case closed)

**STANI (LESDEK) v.  
SHAMROCK FOODS, INC.**

**S283669** F084659 Fifth Appellate District

Publication request denied (case closed)

**GEYER (PAUL) v.  
BARTLETT (DIANE)**

**S283684** A167483 First Appellate District, Div. 2

Publication requests denied (case closed)

**ILUMIN (SEAN) v. LEACH  
(RUSSEL G.); SULLIVAN  
(PATRICK)**

**S283730** D082999 Fourth Appellate District, Div. 1

Publication request denied (case closed)

**RIVERSIDE, CITY OF v.  
STARR INDEMNITY &  
LIABILITY COMPANY**

**S283731** H050657 Sixth Appellate District

Publication request denied (case closed)

**BRADY (MANDY J.) v. WU  
(LIAN)**

**S283833** D081148 Fourth Appellate District, Div. 1

Publication request denied (case closed)

**SAVE JACUMBA v. SAN  
DIEGO COUNTY BOARD OF  
SUPERVISORS (JVR  
ENERGY PARK, LLC)**

**S283847** G062415 Fourth Appellate District, Div. 3

Publication request denied (case closed)

**SAIL EXIT PARTNERS, LLC  
v. SCHINDLER (WALTER L.);  
WILLIAMS (MARILYN)**

**S283881** A166429 First Appellate District, Div. 4

**BHANDARI (SUSHMA) v.  
CONTRA COSTA REGIONAL  
MEDICAL CENTER**

Publication request denied (case closed)

**S283887** F085840 Fifth Appellate District

**QUIROZ (JONATAN) v.  
AMERICAN  
INCORPORATED**

Publication request denied (case closed)

**S283980** F084515 Fifth Appellate District

**GAVERT (GERALDINE) v. CF  
MODESTO, LLC**

Publication request denied (case closed)

**S284213** C097674 Third Appellate District

**HASTY (ALJARICE) v.  
AMERICAN AUTOMOBILE  
ASSOCIATION OF  
NORTHERN CALIFORNIA,  
NEVADA & UTAH**

Depublication request denied (case closed)

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.

**S284318** A167346 First Appellate District, Div. 5

**MOVE EDEN HOUSING v.  
CITY OF LIVERMORE  
(EDEN HOUSING, INC.)**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to July 5, 2024 . (Cal. Rules of Court, rule 8.512(c).)

**S159120**

**PEOPLE v. DEMOLLE  
(ALEX)**

Extension of time granted

Upon application of counsel Deputy State Public Defender Bethany L. O'Neill, an extension of time in which to serve and file appellant's supplemental opening brief is granted to June 10, 2024. Within 30 days after any supplemental opening brief has been filed pursuant to this order, the

People may serve and file a supplemental answering brief, not to exceed 50 pages in length. 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.

**S200016****PEOPLE v. TOPETE (MARCO ANTONIO)**

Application to file over-length brief granted

Good cause appearing, the “Application for Permission to File Overlength Respondent’s Brief,” filed April 30, 2024, is granted.

**S239971****PEOPLE v. CHEARY (CHRISTOPHER)**

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 July 5, 2024.

**S279670**

B320352 Second Appellate District, Div. 3

**PEOPLE v. PATTON (RAMON)**

Extension of time granted

On application of Office of the State Public Defender and good cause appearing, it is ordered that the time to serve and file amicus curiae briefs in the above-captioned matter is extended to June 3, 2024.

**S282937**

H049552 Sixth Appellate District

**GILROY, CITY OF v. S.C. (LAW FOUNDATION OF SILICON VALLEY)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to June 21, 2024.

**S283377****DERIEG ON DISCIPLINE**

Petition for review denied; recommended discipline imposed

The petition for review is denied.

The court orders that GEORGE MARTIN DERIEG (Respondent), State Bar Number 238193, is

suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 15 months of probation;
2. Respondent must also comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on December 7, 2023; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Review Department in its Opinion filed on December 7, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].) Failure to do so may result in disbarment or suspension. Respondent must also maintain the records of compliance as required by the conditions of probation.

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$2,500 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment, and may be collected by the State Bar through any means permitted by law.

**S282783****THIBAUT ON DISCIPLINE**

Request for rehearing of State Bar discipline denied

The petition for rehearing is denied.

The stay of the order imposing discipline is hereby dissolved. The order of discipline is final 30 days after the filing of this order denying rehearing. ELANA THIBAUT must comply with California Rules of Court, rule 9.20, and perform the acts specified in (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.)



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
MAY 21 AND 22, 2024**

In accordance with [Administrative Order 2023-05-11](#), the Supreme Court has resumed in-person oral argument sessions. Counsel have the option to appear in person at these sessions, or remotely via video. The public may attend in person and will also continue to have access to argument via live-streaming on the judicial branch website: <https://supreme.courts.ca.gov/>.

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 21 and 22, 2024.

**TUESDAY, MAY 21, 2024 — 1:30 P.M.**

- (1) Castellanos (Hector) et al. v. State of California et al. (Protect App-Based Drivers and Services et al., Interveners and Appellants), S279622
- (2) John's Grill, Inc., et al. v. The Hartford Financial Services Group, Inc., et al., S278781
- (3) Quach (Peter) v. California Commerce Club, Inc., S275121

**WEDNESDAY, MAY 22, 2024 — 9:30 A.M.**

- (4) In re Kenneth D., S276649
- (5) Downey (Jayde) v. City of Riverside et al., S280322
- (6) People v. McCune (Scotlane), S276303

**1:30 P.M.**

- (7) Rosenberg-Wohl (Katherine) v. State Farm Fire and Casualty Company, S281510
- (8) People v. Walker (Maurice), S278309
- (9) Bailey (Twanda) v. San Francisco District Attorney's Office et al., S265223

---

**GUERRERO**  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)