

**SUPREME COURT MINUTES  
WEDNESDAY, JULY 10, 2024  
SAN FRANCISCO, CALIFORNIA**

**S283172****SPIELBAUER ON  
DISCIPLINE**

Petition for review granted – THOMAS JOHN SPIELBAUER

Thomas John Spielbauer’s petition for review is denied.

The Office of Chief Trial Counsel’s petition for review is granted.

Kruger, J., was absent and did not participate.

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

**S097668****PEOPLE v. SHERMANTINE,  
JR., (WESLEY HOWARD)**

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 August 26, 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.

Kruger, J., was absent and did not participate.

**S151172****PEOPLE v. FORD (WAYNE  
ADAM)**

Supplemental briefing ordered

If appellant Wayne Adam Ford contends any changes in the law (including any ameliorative statute) since the filing of appellant’s reply brief are relevant to his appeal, appellant shall serve and file a supplemental opening brief not to exceed 50 pages on or before September 3, 2024, addressing those changes and their relevance to this case. The People may thereafter serve and file a supplemental answering brief, not to exceed 50 pages in length, to any supplemental opening brief filed pursuant to this order. Any supplemental answering brief must be served and filed within 30 days of the filing of the supplemental opening brief. Appellant may thereafter serve and file a supplemental reply, not to exceed 25 pages in length, to the supplemental answering brief. Any supplemental reply brief must be served and filed within 20 days of the filing of the supplemental answering brief.

Kruger, J., was absent and did not participate.

**S284742**      B324727 Second Appellate District, Div. 8      **PEOPLE v. VASQUEZ  
(ANDREW)**

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.

Kruger, J., was absent and did not participate.

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

**S284810**      B330052 Second Appellate District, Div. 6      **JANE DOE v. LAWYERS FOR  
EMPLOYEE & CONSUMER  
RIGHTS, APC**

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 *Hohenshelt v. Superior Court* (Golden State Foods Corporation), S284498 (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.

Kruger, J., was absent and did not participate.

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

**S285039**      F085888 Fifth Appellate District      **PEOPLE v. RAMSEY  
(KAHLID)**

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. Emanuel*, S280551 (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.

Kruger, J., was absent and did not participate.

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

**S285061**      B317630 Second Appellate District, Div. 4      **PEOPLE v. RESENDEZ (JOSE ISABEL)**

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. Emanuel*, S280551 (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.

Kruger, J., was absent and did not participate.

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

**S285110**      A166571 First Appellate District, Div. 3      **PEOPLE v. BRANKS (ADAM DOUGLAS)**

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.

Kruger, J., was absent and did not participate.

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

**S285158**      B327446 Second Appellate District, Div. 8      **PEOPLE v. DIAZ (GABRIEL GILBERT)**

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.

Kruger, J., was absent and did not participate.

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

**S285205**      B323640 Second Appellate District, Div. 6      **PEOPLE v. CUNNINGHAM (ROBERT WAYNE)**

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. Antonelli*, S281599 (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.

Kruger, J., was absent and did not participate.

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

**S285274**      B329087 Second Appellate District, Div. 2      **PEOPLE v. SCOTT  
(DONYELL DEVONNE)**

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.

Kruger, J., was absent and did not participate.

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

**S285329**      B331295 Second Appellate District, Div. 4      **IN RE M.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.

Kruger, J., was absent and did not participate.

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

**S285346**      C097890 Third Appellate District      **PEOPLE v. PRUITT  
(DARNELL EUGENE)**

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.

Kruger, J., was absent and did not participate.

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

**S285361** F084358 Fifth Appellate District

**PEOPLE v. ATHWAL  
(SAVIRANT SINGH)**

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. Emanuel*, S280551 (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.

Kruger, J., was absent and did not participate.

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

**S285365** D081760 Fourth Appellate District, Div. 1

**PEOPLE v. MYLES (DAQUAN  
LEE)**

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. Bankston*, S044739 and *People v. Hin*, S141519 (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.

Kruger, J., was absent and did not participate.

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

**S285083** B335073 Second Appellate District, Div. 3

**MONTROSE CHEMICAL  
CORPORATION OF  
CALIFORNIA v. S.C.  
(CANADIAN UNIVERSAL  
INSURANCE COMPANY,  
INC.)**

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

The response to the order to show cause should address the issue of whether the existence of a prior judicial construction of an insurance policy's form exclusion that found it to be unambiguous precludes a trial court from considering extrinsic evidence in determining whether the exclusion is ambiguous.

Guerrero, C. J., and Corrigan, J., were recused and did not participate.

Kruger, J., was absent and did not participate.

Votes: Groban, A. C. J., Liu, Jenkins, and Evans, JJ.

**S285248**      B337112 Second Appellate District, Div. 1      **VALLA (NANCY) v. S.C.  
(DIGNITY HEALTH)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division One

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its order denying mandate and to reconsider the timeliness of the petition for writ of mandate. (Cal. Rules of Court, rule 8.528(d).) Kruger, J., was absent and did not participate.

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

**S285372**      B335396 Second Appellate District, Div. 6      **THE THACHER SCHOOL v.  
S.C. (JANE DOE)**

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, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted. (Cal. Rules of Court, rule 8.528(d).)

Pending further order of the Court of Appeal, the “Ruling on Submitted Matter - Protective Order & Motions to Compel” filed on August 31, 2023, by the Ventura County Superior Court in case no. 56-2022-00569257-CU-MC, entitled *Doe v. Doe I*, is hereby stayed.

Groban, J., was recused and did not participate.

Kruger, J., was absent and did not participate.

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

**S278614**      B313907 Second Appellate District, Div. 7      **SHUSHA, INC. v.  
CENTURY-NATIONAL  
INSURANCE COMPANY**

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

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and reconsider the cause in light of *Another Planet Entertainment, LLC v. Vigilant Ins. Co.* (2024) 15 Cal.5th 1106. (Cal. Rules of Court, rule 8.528(d).) As explained in *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion*, Administrative Order 2021-04-21, and California Rules of Court, rule 8.1115(e)(3), corresponding comment, par. 3, the opinion is hereby rendered either “depublished”

or “not citable.”

Kruger, J., was absent and did not participate.

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

**S280353**      B320834 Second Appellate District, Div. 6      **SANTA YNEZ BAND OF  
CHUMASH MISSION  
INDIANS OF THE SANTA  
YNEZ RESERVATION  
CALIFORNIA v. LEXINGTON  
INSURANCE COMPANY**

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

Review in the above-captioned matter, which was granted and held for *Another Planet Entertainment, LLC v. Vigilant Ins. Co.* (2024) 15 Cal.5th 1106, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Kruger, J., was absent and did not participate.

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

**S282533**      B323865 Second Appellate District, Div. 2      **ENDEAVOR OPERATING  
COMPANY, LLC v. HDI  
GLOBAL INSURANCE  
COMPANY**

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

Review in the above-captioned matter, which was granted and held for *Another Planet Entertainment, LLC v. Vigilant Ins. Co.* (2024) 15 Cal.5th 1106, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Kruger, J., was absent and did not participate.

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

**S282657**      B321806 Second Appellate District, Div. 7      **JRK PROPERTY HOLDINGS,  
INC. v. COLONY  
INSURANCE COMPANY**

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

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and reconsider the cause in light of *Another Planet Entertainment, LLC v. Vigilant Ins. Co.* (2024) 15 Cal.5th 1106. (Cal. Rules of Court, rule 8.528(d).) As explained in *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion*, Administrative Order 2021-04-21, and California Rules of Court, rule

8.1115(e)(3), corresponding comment, par. 3, the opinion is hereby rendered either “depublished” or “not citable.”

Kruger, J., was absent and did not participate.

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

**S284695**      D082242 Fourth Appellate District, Div. 1      **PEOPLE v. NEWSON (ERIC VAN)**

Petition for review denied

The petition for review is denied.

Kruger, J., was absent and did not participate.

(See Concurring Statement by Justice Liu)

PEOPLE v. NEWSON  
S284695

Concurring Statement by Justice Liu

Although I vote to deny review in this case, I note that the issue concerning the prosecutor’s strike of Prospective Juror No. 22 (Juror No. 22), a Black woman, provides yet another illustration of why the Legislature believed it necessary to enact Assembly Bill No. 3070 (Reg. Sess. 2019-2020) to overhaul the legal framework for eliminating racial discrimination in jury selection. (See Stats. 2020, ch. 318, § 2, adding Code Civ. Proc., § 231.7; *People v. Nadey* (2024) \_\_ Cal.5th \_\_, \_\_ [2024 WL 3016945, p. \*56] (Nadey) [prosecutor struck several Black women jurors for reasons presumptively invalid under Code Civ. Proc., § 231.7].)

The prosecutor here gave two reasons for striking Juror No. 22 in the second trial (after an initial mistrial) of defendant Eric Van Newson, a Black man charged with assaulting two White police officers with an illegally possessed firearm. The prosecutor first said, “[T]he primary reason I kicked her were both - her body language indicated to me that she didn't like me or defense counsel. I couldn't figure out exactly why.” The prosecutor then said, “But more importantly, I tried this case once before and it hung 11 to 1. Just one juror, on the most important count, Officer Hysen. So I'm trying to screen potential jurors for anybody that might be willing to dig in their heels and not work with the other jurors. [¶] What I got as feedback for the last-hanged jury, the last trial - I ask all the jurors if they work well in groups. My concern for Juror 22, she was on Judge Judy, and she said she brought a case against her own mom regarding some type of loan. That, to me, indicated someone, based on my experience that I mentioned with 22, with a [district attorney] that we had in our office, who also went on Judge Judy, and that individual was hard to work with. [¶] From watching Judge Judy, individuals that are willing to bring their problems onto TV nationally over an issue, much less with their mother, that’s someone that could also hang a jury up and not listen to other people. It seems like headstrong character -overly



headstrong for that situation. I want to avoid that. That was the reason that I kicked her.”

In evaluating these stated reasons, the trial court said: “I did note there were times, particularly whenever there was a question about race, in particular, when I was asking the questions about white police officers, black individuals, she did, kind of, frown and looked uncomfortable with the questions. So I noted that, kind of, body language, as well. The Judge Judy thing, maybe, causes one to think, maybe, a little bit out of the mainstream.

“So I'm satisfied, at this point, that the stated reasons demonstrate that the excusal was not on the basis of race. I would note, however, number one, I was the trial judge the first time this case was tried, so I'm aware of the situation that [the prosecutor] is referring to, where there was one or possibly two possible jurors who happened to be African American, who afterward, perhaps, expressed the view that they would be unlikely to convict a young black male of an offense against white police officers.

“That is not a basis to exclude black individuals from this panel, either male or female. There would have to be something specific about the individual that would justify an excusal based upon a non-race basis. If the only basis of exercising a peremptory challenge is, well, last time we tried this, we had an African American juror who wouldn't convict an African American male, so I'm going to exclude African Americans, no, you can't do that. That would be precluded by Batson-Wheeler.

“It would have to be something specific about that juror. So, I think, that should be clear. But in this case, with regards to [Juror No. 22], I'm satisfied that the stated reason, particularly body language, which I noted on at least one or two occasions, demonstrates to me that the excusal was not made on the basis of race. So at this time, the Batson-Wheeler motion is denied, obviously, without prejudice to renew it if there is something else that occurs.” (See *Batson v. Kentucky* (1986) 476 U.S. 79; *People v. Wheeler* (1978) 22 Cal.3d 258.)

As to the demeanor-based reason, the trial court did not confirm the prosecutor's observation that “her body language indicated to me that she didn't like me or defense counsel.” Instead, the trial court offered its own, different observation of Juror No. 22's demeanor: “I did note there were times, particularly whenever there was a question about race, in particular, when I was asking the questions about white police officers, black individuals, she did, kind of, frown and looked uncomfortable with the questions.” The trial court did not explain how its own observation corroborated the prosecutor's. The Court of Appeal, citing our case law, bridged this gap by explaining that “the trial court's observations corroborated, rather than improperly replaced, the prosecutor's stated demeanor concern. Observing frowning and discomfort when relevant subject matter is referenced is consistent with Juror No. 22 looking like she disliked both sides. As the People argue, both behaviors can demonstrate a general ‘[h]ostility toward . . . the proceedings.’ ”

This analysis, though supported by precedent, leaves much to be desired. To be sure, both the body language reported by the prosecutor and the demeanor observed by the trial court “*can* demonstrate a general ‘hostility toward . . . the proceedings.’ ” (Italics added.) But they can also

be unrelated: Juror No. 22's apparent discomfort with the subject matter of the case did not necessarily have anything to do with her dislike of both counsel, and the prosecutor identified only the latter, not the former, as a concern. Importantly, the prosecutor himself, after stating that the juror's demeanor indicated she didn't like either counsel, did not suggest the reason was that she had general hostility toward the proceedings. Rather, he said, "I couldn't figure out exactly why."

Consider how this demeanor-based reason would fare under the new legal framework enacted after Newson's second trial. (Code Civ. Proc., § 231.7.) The Legislature has declared that counsel's observation that a "prospective juror exhibited either a lack of rapport or problematic attitude, body language, or demeanor" has "historically been associated with improper discrimination in jury selection" and is "presumptively invalid" as a reason for exercising a peremptory strike "unless the trial court is able to confirm that the asserted behavior occurred, based on the court's own observations or the observations of counsel for the objecting party." (*Id.*, subd. (g)(1)(B), (2).) "Even with that confirmation, the counsel offering the reason shall explain why the asserted demeanor, behavior, or manner in which the prospective juror answered questions matters to the case to be tried." (*Id.*, subd. (g)(2).) A trial court "shall consider only the reasons actually given and shall not speculate on, or assume the existence of, other possible justifications for the use of the peremptory challenge." (*Id.*, subd. (d)(1).) "The reviewing court shall consider only reasons actually given . . . and shall not speculate as to or consider reasons that were not given . . ." (*Id.*, subd. (j).)

These standards were not met by the prosecutor, who gave a presumptively invalid demeanor-based reason; by the trial court, which did not confirm that the asserted behavior occurred based on its own or defense counsel's observations, and instead relied on its own, different observation of Juror No. 22's demeanor; or by the Court of Appeal, which speculated that the juror harbored general hostility to the proceedings when the prosecutor himself said "I couldn't figure out exactly why" the juror appeared to indicate dislike of both counsel.

Further, it bears noting that the reason offered by the trial court would fare no better than the prosecutor's demeanor concern under the new legal framework. The trial court said Juror No. 22 "looked uncomfortable" when asked "questions about white police officers, black individuals." Although the Court of Appeal characterized this discomfort as demonstrating hostility toward the proceedings, the new framework teaches that trial courts must be careful to probe such vague characterizations when evaluating whether "an objectively reasonable person would view race . . . as a factor in the use of the peremptory challenge. . . ." (Code Civ. Proc., § 231.7, subd. (d)(1).) Among other things, trial courts should consider "[w]hether a reason might be disproportionately associated with a race. . . ." (*Id.*, subd. (d)(3)(E).) Perceived "discomfort" with questions about race - particularly questions about policing and race - may serve as a proxy for race. (*Id.*, subd. (e)(1) [peremptory challenge based on a prospective juror expressing "a distrust of or having a negative experience with law enforcement or the criminal legal system" is presumptively invalid]; see, e.g., *People v. Miles* (2020) 9 Cal.5th 513, 614 (dis. opn. of Liu, J.) [a prosecutorial practice of striking jurors based on their views of the O.J. Simpson case would result in disproportionate removal of Black jurors]; see also *People v. Flores* (2024) 15 Cal.5th 1032, 1055 (conc. opn. of

Evans, J.) [noting generally the impact of racial disparities in policing].)

Turning to the prosecutor's second reason, the record indicates that Juror No. 22, when asked if she had ever been a party to a lawsuit, said, "I was on Judge Judy for not paying back a loan to my mom." The prosecutor mentioned the juror's appearance on Judge Judy as an indication that she might be "hard to work with" and "overly headstrong," and "could . . . hang a jury up and not listen to other people." But in describing this concern, the prosecutor said, "[S]he was on Judge Judy, and *she said she brought a case against her own mom regarding some type of loan*" (italics added), which is not true, before going on to say Juror No. 22 was "willing to bring [her] problems onto TV nationally over an issue, much less with [her] mother," which is true.

I agree with the Court of Appeal that the trial court was obliged to inquire further because Juror No. 22's other voir dire answers indicated she would work well with others, and especially because her employment as a premium customer service agent for a national airline seems inconsistent with the characterization of her as an "overly headstrong" person who might be "hard to work with" and might "not listen to other people."

Moreover, I would not excuse the prosecutor's assertion that Juror No. 22 initiated the suit that led to her appearance on Judge Judy as a "seemingly sincere error." This assumes the answer to the very issue at the heart of the Batson inquiry: whether the prosecutor's stated reason was sincere or pretextual. Frankly, I tend to agree with the trial court that "[t]he Judge Judy thing, maybe, causes one to think, maybe, a little bit out of the mainstream" and "there might be something to that." But the prosecutor's misstatement - especially coming after his observation that a prior jury had hung 11 to 1 (the trial court attributed the holdout to a Black juror) - should have raised suspicion that the prosecutor viewed Juror No. 22 through a racialized lens and apparently heard what he wanted to hear in her voir dire testimony, even though contrary to the record. (See *Henderson v. Thompson* (Wn. 2022) 518 P.3d 1011, 1023 [counsel "characterized Henderson as 'combative' and 'confrontational.' These terms evoke the harmful stereotype of an 'angry BLACK woman.'"], citing Jones & Norwood, *Aggressive Encounters & White Fragility: Deconstructing the Trope of the Angry Black Woman* (2017) 102 Iowa L.Rev. 2017, 2049; Bannai, *Challenged X 3: The Stories of Women of Color Who Teach Legal Writing* (2014) 29 Berkeley J. Gender L. & Just. 275, 280 [quoting one professor as saying, "There's a bias against strong black women. There's a stereotype of the angry black woman, and media have perpetuated that stereotype. 'She's strong and better not cross her, difficult to get along with,' a 'my way or the highway' mentality, irrational . . . and impossible to control."].) Given these circumstances, the prosecutor's second "reason is suspect," and "the trial court failed to ascertain adequately the credibility of this reason."

Thus, we are left with only the prosecutor's demeanor-based reason, and as explained above, I would not describe the trial court's "demeanor finding" as one of "near unassailability."

Reasonable minds may differ on whether the credibility of one out of two stated reasons, under these circumstances, is sufficient to satisfy the standards in our case law. (See *People v. Smith* (2018) 4 Cal.5th 1134, 1157-1158.) But the larger point is that the entirety of the record and the circumstances here - including the prosecutor's statement of reasons, the trial court's ruling, and

the Court of Appeal’s opinion, though legally supportable - do not inspire great confidence that Juror No. 22 was in fact removed without regard to her race.

The Legislature has found that “the existing procedure for determining whether a peremptory challenge was exercised on the basis of a legally impermissible reason has failed to eliminate that discrimination” (Stats. 2020, ch. 318, § 1, subd. (b)), and it has “put into place an effective procedure for eliminating the unfair exclusion of potential jurors based on race” among other categories (*id.*, § 1, subd. (a)). In all likelihood, the issue here would have a different outcome if evaluated under the new standards, which again suggests “the Legislature may wish to consider whether to make the reforms of section 231.7 retroactive to cases pending on appeal.” (*Nadey, supra*, \_\_ Cal.5th at p. \_\_ [2024 WL 3016945, at p. \*57] (dis. opn. of Liu, J.); cf. Stats. 2022, ch. 739, § 1 [amending the California Racial Justice Act of 2020 to apply retroactively “to ensure justice for all”].)

Finally, despite the rejection of his equal protection claim, Newson may have an avenue for relief under the California Racial Justice Act of 2020 (RJA), which was designed to uproot racial bias in the criminal justice system and applies retroactively. (Stats. 2022, ch. 739; Stats. 2020, ch. 317, § 2, subd. (c) [observing that “the legal standards for preventing racial bias in jury selection are ineffective” and that “ ‘requiring a showing of purposeful discrimination sets a high standard that is difficult to prove in any context’ ”].) Proof of discrimination under the RJA does not require the showing of intent required under equal protection doctrine, and it is possible that Newson has a valid RJA claim in light of the totality of circumstances here.

LIU, J.

I Concur:  
EVANS, J.

**S284739**      B329387 Second Appellate District, Div. 5  
Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. LEE (RASHON)**

**S284755**      B336263 Second Appellate District, Div. 3  
Petition for review denied  
Kruger, J., was absent and did not participate.

**ANTON (KIMBERLY  
RACHEL) v. S.C. (GALVEZ)**

**S284766****RIAZ (SAMREEN) v. COURT  
OF APPEAL, FIFTH  
APPELLATE DISTRICT  
(COUNTY OF TULARE)**

Petition for writ of mandate/prohibition & application for stay denied  
Kruger, J., was absent and did not participate.

**S284778** F086282 Fifth Appellate District**HANS (TANVEER) v. STATE  
DEPARTMENT OF STATE  
HOSPITALS**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S284782** B328182 Second Appellate District, Div. 2**ANDERSON (ASHLIE R.) v.  
AUTOMOBILE CLUB OF  
SOUTHERN CALIFORNIA  
("AAA") LLC**

Petition for review & application for stay denied  
Kruger, J., was absent and did not participate.

**S284785** D082459 Fourth Appellate District, Div. 1**IN RE N.M.**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S284790** D081984 Fourth Appellate District, Div. 1**MISSION SPRINGS WATER  
DISTRICT v. DESERT  
WATER AGENCY**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S284798** C100591 Third Appellate District**MORALES (DENISE) v. S.C.  
(MICHAELS STORES, INC.)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S284827** F085657 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. SHARIF  
(MUHAMMAD ABID)**

**S284834** H050201 Sixth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**QUIMING (JESSE DELVIN)  
ON H.C.**

**S284837** B322697/B323024 Second Appellate District, Div. 8 **GRAMAJO (ELINTON) v.  
JOE'S PIZZA ON SUNSET,  
INC.**

Petition for review & depublication request(s) denied  
Kruger, J., was absent and did not participate.

**S284919**

**CHANG (TE JUNG) v.  
SUPREME COURT OF  
CALIFORNIA (354 VERNON  
STREET, LLC)**

The petition for "Writ for Original Jurisdiction & Extraordinary Relief" is denied.  
Kruger, J., was absent and did not participate.

**S284921** F084815 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. PULLEY  
(MICKEY LARNELL)**

**S284939** G062514 Fourth Appellate District, Div. 3

Petition for review denied  
Kruger, J., was absent and did not participate.

**BETHESDA UNIVERSITY v.  
CHO (SEUNGJE)**

**S284951** B328183 Second Appellate District, Div. 2

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. GARRISON  
(DAVID MICHAEL)**

**S284954****THOMAS (DENISE) v.  
COURT OF APPEAL,  
FOURTH APPELLATE  
DISTRICT, DIVISION THREE  
(McKEON)**

Petition for writ of mandate/prohibition denied  
Kruger, J., was absent and did not participate.

**S284961**      F085239 Fifth Appellate District**PEOPLE v. BARRCENA  
(JOSE LUIS)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S284966**      C097829 Third Appellate District**PEOPLE v. THIESSEN  
(SANDOR TORRES)**

Petitions for review denied  
Kruger, J., was absent and did not participate.

**S284994**      D083073 Fourth Appellate District, Div. 1**PEOPLE v. DOMINGUEZ  
(SANTIAGO MALDONADO)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285007**      H050873 Sixth Appellate District**KISSNER (DAVID M.) v.  
LOMA PRIETA JOINT  
UNION SCHOOL DISTRICT**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285011**      F085910 Fifth Appellate District**PEOPLE v. YOUNG (ZURI  
SANA KABISA)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285013**      B326205 Second Appellate District, Div. 4**IN RE A.C.**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285032** A168282 First Appellate District, Div. 3  
Petition for review denied  
Kruger, J., was absent and did not participate.

**IN RE TAYLOR C.**

**S285062** B327349 Second Appellate District, Div. 5  
Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. PATTON  
(DERRICK TERRELL)**

**S285064** B337246 Second Appellate District, Div. 7  
Petition for review denied  
Kruger, J., was absent and did not participate.

**CORTEZ (RICHARD  
REFUGIO) v. S.C. (PEOPLE)**

**S285071** B327576 Second Appellate District, Div. 3  
Petition for review denied  
Liu and Evans, JJ., are of the opinion the petition should be granted.

**PEOPLE v. CARTER (DAVID  
NICHOLAS)**

**S285074** B336972 Second Appellate District, Div. 8  
Petition for review denied  
Kruger, J., was absent and did not participate.

**SANTA MONICA POLICE  
ACTIVITIES LEAGUE v. S.C.  
(JOHN U.N.B. DOE)**

**S285076** F083387 Fifth Appellate District  
Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. GARCIA  
(JOHNNY ANGEL)**

**S285079** C096239 Third Appellate District  
Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. PROCTOR  
(CASEY ADAM)**



**S285087** E082530 Fourth Appellate District, Div. 2  
Petition for review denied  
Kruger, J., was absent and did not participate.

**IN RE G.M.-V.**

**S285092** F085895 Fifth Appellate District  
  
Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. PATTON  
(HERMAN)**

**S285095** B319620 Second Appellate District, Div. 8  
  
Petition for review denied  
Kruger, J., was absent and did not participate.

**MOGHADAM (MEHDI  
AMINI) v. RODEO REALTY**

**S285133** B328108 Second Appellate District, Div. 8  
  
Petition for review denied  
Kruger, J., was absent and did not participate.

**BOXIE (JARROD) v. S.C.  
(PEOPLE)**

**S285134** C101062 Third Appellate District  
  
Petition for review denied  
Kruger, J., was absent and did not participate.

**CROSS (GEORGE EUGENE)  
ON H.C.**

**S285142** A167193 First Appellate District, Div. 1  
  
Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. FERNANDES  
(JERRY)**

**S285145** B328690 Second Appellate District, Div. 7  
  
Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. ELAM  
(JAVONTIE FLYNN)**

**S285146** G063289 Fourth Appellate District, Div. 3

**MOINFAR (MAHNAZ  
KEYVANJAH) v. MOINFAR  
(FARIMAN)**

The request for judicial notice is denied.  
The petition for review is denied.  
Kruger, J., was absent and did not participate.

**S285147** C097657 Third Appellate District

**PEOPLE v. PEETE (MELVIN  
JAMAN)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285148** B327104 Second Appellate District, Div. 6

**PEOPLE v. RODRIGUEZ  
(PETER)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285149** E083798 Fourth Appellate District, Div. 2

**PEOPLE v. PEYTON  
(RAYMOND EUGENE)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285150** B326072 Second Appellate District, Div. 4

**PEOPLE v. MACKABEE  
(MARCEL)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285154** H050526 Sixth Appellate District

**BEVERAGE (MICHELLE) v.  
APPLE, INC.**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285156** H050851 Sixth Appellate District

**PEOPLE v. GONZALEZ  
(HECTOR MANUEL)**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285162** C097475 Third Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. VACCARO (DION  
JERMAINE)**

**S285166** A165778 First Appellate District, Div. 5

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. VARGAS (ROCIO)**

**S285171** D080072 Fourth Appellate District, Div. 1

Petition for review denied  
Kruger, J., was absent and did not participate.

**LOWE (MARY & KENNETH),  
MARRIAGE OF**

**S285185** B325309 Second Appellate District, Div. 2

Petition for review denied  
Kruger, J., was absent and did not participate.

**IN RE DAMION B.**

**S285186** B316502 Second Appellate District, Div. 4

Petition for review denied  
Kruger, J., was absent and did not participate.

**BENZEEN, INC. v. JP  
MORGAN CHASE BANK,  
N.A.**

**S285187** C096732 Third Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. BELMARES  
(JARED)**

**S285188** D081452 Fourth Appellate District, Div. 1

Petition for review denied  
Kruger, J., was absent and did not participate.

**PETERS (DIANE J.) v.  
ACTIVIST OF SAN DIEGO**

**S285192** E081204 Fourth Appellate District, Div. 2

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. GONZALEZ  
(DAMIAN EZEQUIEL)**

**S285193** A164756 First Appellate District, Div. 3

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. H. (W.)**

**S285194** B337314 Second Appellate District, Div. 4

Petition for review denied  
Kruger, J., was absent and did not participate.

**PAEZ (CARLOS) v. S.C.  
(PEOPLE)**

**S285199** G062398 Fourth Appellate District, Div. 3

Petition for review denied  
Kruger, J., was absent and did not participate.

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

**S285201** F085139 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. ROJO-LOPEZ  
(JESUS ASTOLFO)**

**S285206** H050248 Sixth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**KENMARK VENTURES, LLC  
v. THOMAS (ANTHONY)**

**S285208** F083612 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. RUIZ (MANUEL  
JESUS)**

**S285212** B323207 Second Appellate District, Div. 7

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. JOSEPH  
(MARQUICE)**

**S285213** B324176 Second Appellate District, Div. 7

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. CLARK (LEROY)**

**S285214** C101063 Third Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**COURCHAINE (DERRICK)  
ON H.C.**

**S285217** C099411 Third Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. RUIZ (BRANDON)**

**S285221** F084468 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. McALISTER  
(TERELL)**

**S285222** D082760 Fourth Appellate District, Div. 1

Petition for review denied  
Kruger, J., was absent and did not participate.

**SAN BERNARDINO COUNTY  
TRANSPORTATION  
AUTHORITY v. KUZINA  
DEVELOPMENT, LLC**

**S285225** C098002 Third Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. OMEGA  
(NALANA NICOLE)**

**S285228**      B322287 Second Appellate District, Div. 1      **PEOPLE v. FRAGAMADAN  
(MANUEL G.)**

Defendant's application to file the unredacted petition for review under 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.

Kruger, J., was absent and did not participate.

**S285229**      B329882 Second Appellate District, Div. 1      **PEOPLE v. FRANCO (LUIS  
ANTONIO)**

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.

Kruger, J., was absent and did not participate.

**S285230**      A165797 First Appellate District, Div. 4      **PEOPLE v. LARA-URIBE  
(BERNABE)**

Petition for review denied

Kruger, J., was absent and did not participate.

**S285233**      C097898 Third Appellate District      **PEOPLE v. CHITWOOD  
(STEPHANIE ANN)**

Petition for review denied

Kruger, J., was absent and did not participate.

**S285235**      A170456 First Appellate District, Div. 5      **WHITE (LARRY) ON H.C.**

Petition for review denied

Jenkins, J., was recused and did not participate.

Kruger, J., was absent and did not participate.

**S285237**      B323574 Second Appellate District, Div. 6      **BAKER (NICOLETTE) v.  
DILEONARDO (CHERYL)**

Petition for review denied

Kruger, J., was absent and did not participate.

**S285238** E083659 Fourth Appellate District, Div. 2

Petition for review & application for stay denied  
Kruger, J., was absent and did not participate.

**KOZNA (KRYSTAL ANN) v.  
S.C. (PEOPLE)**

**S285247** G062453 Fourth Appellate District, Div. 3

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. BAPTISTE (JOEL  
DAVID)**

**S285253** F084244 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. ROBINSON  
(CALVIN MARON)**

**S285255** A165987 First Appellate District, Div. 2

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. ROSA (TOBY  
ANTHONY)**

**S285261** E080673 Fourth Appellate District, Div. 2

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. NOORDMAN  
(KINZIE GENE)**

**S285263** F087876 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**VERA (WILLIAM) ON H.C.**

**S285271** H049929 Sixth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. CEJA NUNEZ  
(LUIS ALFONSO)**

**S285276** B327991 Second Appellate District, Div. 7

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. HERRERA  
(ALEX)**

**S285278** B328296 Second Appellate District, Div. 7

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. HARRIS III  
(EARL)**

**S285280** H050073 Sixth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. DURRAND  
(ROBERT TANYO)**

**S285283**

Petition for writ of mandate/prohibition denied  
Kruger, J., was absent and did not participate.

**HAILE (TSEGAI) v. COURT  
OF APPEAL, FIRST  
APPELLATE DISTRICT,  
DIVISION ONE (HAILE)**

**S285285** H048822 Sixth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. SLONE  
(MATTHEW ISAAC)**

**S285288** H051181 Sixth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v.  
MARROQUINZUNIGA  
(WILFREDO)**

**S285291** B328960 Second Appellate District, Div. 6

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. GUERRERO (BEN  
ACE)**



**S285299** B326131 Second Appellate District, Div. 7

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. GARCIA  
(MIGUEL)**

**S285306** H051396 Sixth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. HOLTRY  
(MICHAEL ELLIS)**

**S285307** G060395 Fourth Appellate District, Div. 3

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. BROWN (ISAAC  
DAVID JACOB)**

**S285331** D082307 Fourth Appellate District, Div. 1

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. WERNER  
(BERNARD RAY)**

**S285332** B317722 Second Appellate District, Div. 3

Petition for review denied  
Kruger, J., was absent and did not participate.

**KENNE (KATHLEEN A.) v.  
COMMUNITY  
CORPORATION OF SANTA  
MONICA, INC.**

**S285333** B321698 Second Appellate District, Div. 5

Petition for review denied  
Kruger, J., was absent and did not participate.

**TORRES (ROSA M.) v. LOS  
ANGELES UNIFIED SCHOOL  
DISTRICT**

**S285341** B326444 Second Appellate District, Div. 6

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. VALLES (VICTOR  
JOSEPH)**

**S285344** C098526 Third Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. BRAGG (ADAM JACKSON)**

**S285351** B330049 Second Appellate District, Div. 4

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. UNDERWOOD (JASON CLEMENT)**

**S285352** A167428 First Appellate District, Div. 2

Petition for review denied  
Kruger, J., was absent and did not participate.

**NGUYEN (LAN THI TRAN) v. LUEBCKE (KATHRYN)**

**S285355** F086964 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. GONZALEZ (ERICK)**

**S285363**

Petition for writ of mandate/prohibition denied  
Kruger, J., was absent and did not participate.

**BULLOCK (ART) v. COURT OF APPEAL, THIRD APPELLATE DISTRICT (R-RANCH PROPERTY OWNERS' ASSOCIATION)**

**S285364** B317602 Second Appellate District, Div. 4

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. PITTS (JESSE)**

**S285366** D082290 Fourth Appellate District, Div. 1

Petition for review denied  
Kruger, J., was absent and did not participate.

**MYLES (DAQUAN LEE) ON H.C.**

**S285370** F087882 Fifth Appellate District

Petition for review & application for stay denied  
Kruger, J., was absent and did not participate.

**DANIELS (SONYA MARIE) v.  
S.C. (J&A COMPANIES, INC.)**

**S285373** F084636 Fifth Appellate District

Petition for review denied  
Kruger, J., was absent and did not participate.

**PEOPLE v. CURTIS (CORD  
WILLIAM)**

**S285395** B328260/B330519 Second Appellate District, Div. 1 **IN RE CONNOR J.**

Petition for review denied  
Kruger, J., was absent and did not participate.

**S285425**

The request for judicial notice is granted.  
The petition for review and application for stay are denied.  
Kruger, J., was absent and did not participate.

**NASH CANOGA LLC v.  
PERRY (MICHAEL MOSHE)**

**S285435**

The requests for judicial notice are granted.  
The petitions for review and applications for stay are denied.  
Kruger, J., was absent and did not participate.

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

**S284006**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**BLAKE (LESTER PHILLIP)  
ON H.C.**

**S284129**

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].)  
Kruger, J., was absent and did not participate.

**SUNDBERG (KELLY  
FRITHIOF) ON H.C.**

**S284132**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**SAMM (STERLING) ON H.C****S284133**

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 *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].)  
Kruger, J., was absent and did not participate.

**NAVARRO (JACOBO) ON  
H.C.****S284134**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**WILEY (JASON WESLEY)  
ON H.C.****S284167**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**JOHNSON (MICHAEL  
WAYNE) ON H.C.****S284168**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**CAMPOS (JOEL) ON H.C.****S284180**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**KALSO (ZACHARY LLOYD)  
ON H.C.****S284189**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**JACKSON (AKIM WAYNE)  
ON H.C.**

**S284191**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**PARRISH. JR., (JEFFREY  
CRAIG) ON H.C.**

**S284200**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**SERRANO, SR., (GILBERT  
ISRAEL) ON H.C.**

**S284235**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**HARDNEY (JOHN) ON H.C.**

**S284241**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**FISHER (JAMES HARRIS)  
ON H.C.**

**S284242**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**SERRANO, SR., (GILBERT  
ISRAEL) ON H.C.**

**S284311**

Petition for writ of habeas corpus denied  
Kruger, J., was absent and did not participate.

**KALSO (ZACHARY LLOYD)  
ON H.C.**

**S284625**

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].)  
Kruger, J., was absent and did not participate.

**HARDNEY (JOHN) ON H.C.**

**S285211****CONTRERAS (ERNESTO  
MORALES) 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. In this respect, petitioner claims he did not receive a fair trial because the jury was not comprised of members of his race and further contends the jury venire did not contain a representative cross-section of the citizens of Santa Clara County. The petition does not satisfy the statutory requirements for the disclosure of discovery under the Racial Justice Act. (Pen. Code, §§ 745, subd. (d) [providing for disclosure of evidence relevant to violations of the Racial Justice Act].)

The petition also fails to make a prima facie showing of entitlement to relief under the Racial Justice Act. (Pen. Code, § 1473, subd. (e).) The petition fails to allege particularized facts that adequately describe any alleged actions and how they reflected racial bias or animus. Nor does petitioner describe or attach supporting documentary evidence concerning racial bias or animus or the use of racially discriminatory language. (Pen. Code, § 745, subd. (a)(1)-(4); cf. *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; cf. also *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

The request for discovery is denied. The petition for writ of habeas corpus is denied. Kruger, J., was absent and did not participate.

**S285266****WASHINGTON (RODERICK  
NATHANIEL) v. S.C.  
(PEOPLE)**

The petition for writ of mandate is construed as a petition for writ of habeas corpus.

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 appointment of counsel. In this respect, petitioner claims several judges committed misconduct and subjected petitioner to racial bias and racial animus, the judge that denied petitioner's writ of replevin was racist, and further contends various judges and the district attorney colluded to deprive him of his property.

The petition does not satisfy the statutory requirements for the appointment of counsel under the Racial Justice Act. (Pen. Code, § 1473, subd. (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts that would establish a violation of the Racial Justice Act].)

The petition also fails to make a prima facie showing of entitlement to relief under the Racial Justice Act. (Pen. Code, § 1473, subd. (e).) The petition fails to allege particularized facts that adequately describe any alleged actions and how they reflected racial bias or animus. Nor does petitioner describe or attach supporting documentary evidence concerning racial bias or animus or the use of racially discriminatory language. (Pen. Code, § 745, subd. (a)(1)-(4); cf. *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; cf. also *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

The request for counsel is denied. The petition for writ of habeas corpus is denied.

Kruger, J., was absent and did not participate.

**S285272**

**HARVEY (HAROLD  
EMANUEL) 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). In this respect, petitioner claims he was charged and sentenced more harshly than defendants of different races, ethnicities, or national origins and argues he did not receive a representative jury of his peers.

The petition fails to make a prima facie showing of entitlement to relief under the Racial Justice Act. (Pen. Code, § 1473, subd. (e).) The petition fails to allege particularized facts that adequately describe any alleged actions and how they reflected racial bias or animus, or to support a claim that defendant was charged, convicted, or sentenced in a more severe manner than similarly situated individuals of other races, ethnicities, or national origins. Nor does petitioner describe or attach supporting documentary evidence concerning racial bias or animus or the use of racially discriminatory language. (Pen. Code, § 745, subd. (a)(1)-(4); cf. *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; cf. also *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

The petition for writ of habeas corpus is denied.

Kruger, J., was absent and did not participate.

**S285292**

**WASHINGTON (RODERICK  
NATHANIEL) v. S.C.  
(PEOPLE)**

The petition for writ of mandate is construed as a petition for writ of habeas corpus.

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 appointment of counsel. In this respect, petitioner claims he and his codefendants were subjected to an illegal forfeiture in violation of the RJA when police executed an allegedly defective search warrant.

The petition does not satisfy the statutory requirements for the appointment of counsel under the Racial Justice Act. (Pen. Code, § 1473, subd. (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts that would establish a violation of the Racial Justice Act].)

The petition also fails to make a prima facie showing of entitlement to relief under the Racial Justice Act. (Pen. Code, § 1473, subd. (e).) The petition fails to allege particularized facts that adequately describe any alleged actions and how they reflected racial bias or animus. Nor does petitioner describe or attach supporting documentary evidence concerning racial bias or animus or the use of racially discriminatory language. (Pen. Code, § 745, subd. (a)(1)-(4); cf. *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; cf. also *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

The request for counsel is denied. The petition for writ of habeas corpus is denied. Kruger, J., was absent and did not participate.

**S285586**

**WASHINGTON (RODERICK  
NATHANIEL) 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 appointment of counsel and discovery. In this respect, petitioner claims several judges and the district attorney's office subjected petitioner to racial bias and colluded to convict petitioner of crimes that were barred by the statute of limitations. Petitioner further contends he has been sentenced more harshly than similarly situated defendants of other races, ethnicities, or national origins.

The petition does not satisfy the statutory requirements for the appointment of counsel under the Racial Justice Act. (Pen. Code, § 1473, subd. (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts that would establish a violation of the Racial Justice Act].)

The petition further does not satisfy the statutory requirements for the disclosure of discovery 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].)

The petition also fails to make a prima facie showing of entitlement to relief under the Racial Justice Act. (Pen. Code, § 1473, subd. (e).) The petition fails to allege particularized facts that adequately describe any alleged actions and how they reflected racial bias or animus or to support the claim that defendant was charged, convicted, or sentenced in a more severe manner than similarly situated individuals of other races, ethnicities, or national origins. Nor does petitioner describe or attach supporting documentary evidence concerning racial bias or animus or the use of racially discriminatory language. (Pen. Code, § 745, subd. (a)(1)-(4); cf. *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; cf. also *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

The requests for counsel and discovery are denied. The petition for writ of habeas corpus is denied.

Kruger, J., was absent and did not participate.

**S284588**

B319252 Second Appellate District, Div. 7

**SHAWVER (JANELLE) v.  
STATE FARM GENERAL  
INSURANCE COMPANY**

Publication request denied (case closed)

Kruger, J., was absent and did not participate.



**S284718** A168101 First Appellate District, Div. 4

**CAMPFIELD (RICHARD) v.  
SAFELITE GROUP, INC.**

Publication request denied (case closed)  
Kruger, J., was absent and did not participate.

**S284727** C097484 Third Appellate District

**PFEIFFER (CHARITIE) v.  
SMART (HEATHER L.)**

Publication request denied (case closed)  
Kruger, J., was absent and did not participate.

**S285135** B321875 Second Appellate District, Div. 2

**AIDS HEALTHCARE  
FOUNDATION v. BONTA  
(ROB)**

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. Kruger, J., was absent and did not participate.

**S285170** A165345/A167000 First Appellate District, Div. 4

**VICHY SPRINGS RESORT,  
INC. v. CITY OF UKIAH  
(UKIAH RIFLE & PISTOL  
CLUB, INC.)**

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. Kruger, J., was absent and did not participate.

**S207510**

**PEOPLE v. BARBAR  
(MICHAEL)**

Extension of time granted

Based upon counsel Supervising Deputy State Public Defender Nerissa J. Huertas' representation that the appellant's reply brief is anticipated to be filed by November 15, 2024, an extension of time in which to serve and file that brief is granted to September 16, 2024. After that date, only one further extension totaling about 61 days is 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).)

**S285302**

**PURVIS, JR., (DERON JAMES) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to August 14, 2024.

**S285028**

**ACCUSATION OF GIBSON**

Petition denied (accusation)  
Kruger, J., was absent and did not participate.

**S285262**

**ACCUSATION OF WASZCZUK**

Petition denied (accusation)  
Kruger, J., was absent and did not participate.

**S285269**

**ACCUSATION OF WASZCZUK**

Petition denied (accusation)  
Kruger, J., was absent and did not participate.

**S285273**

**ACCUSATION OF WASZCZUK**

Petition denied (accusation)  
Kruger, J., was absent and did not participate.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS (MOTION NO. 1672)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:  
(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)