

**SUPREME COURT MINUTES  
THURSDAY, JULY 11, 2024  
SAN FRANCISCO, CALIFORNIA**

**S166168****PEOPLE v. LAMB (MICHAEL  
ALLAN)**

Opinion filed: Affirmed in part, reversed in part

For the foregoing reasons, we reverse Lamb’s convictions for street terrorism and unlawfully carrying a loaded firearm in public by an active participant in a criminal street gang, as well as the true findings on the gang enhancements and gang-murder special circumstance. In so doing, we vacate Lamb’s death judgment and remand the case to the trial court for any retrial of the reversed convictions, enhancements, and special circumstance. (*Cooper, supra*, 14 Cal.5th at pp. 746-747.) In all other respects, the judgment is affirmed.

Majority Opinion by Evans, J.

-- joined by Guerrero, C. J., Corrigan, Liu, Kruger, Groban, and Jenkins, JJ.

**S277962**

H049413 Sixth Appellate District

**PEOPLE v. ARELLANO (LUIS  
RAMON MANZANO)**

Opinion filed: Affirmed in part, reversed in part

Courts may not impose uncharged and unproven sentence allegations or enhancements when resentencing a successful petitioner under section 1172.6, subdivision (e). We therefore affirm the judgment of the Court of Appeal to the extent it ordered the firearm use enhancement stricken. The Court of Appeal also reversed the redesignated conviction for attempted robbery “and remand[ed] the matter for further proceedings to redesignate Arellano’s vacated murder conviction as a conviction of the underlying felony and resentence him,” leaving “it to the trial court and parties on remand to determine whether the underlying felony for resentencing purposes should comprise either or both attempted robbery and first degree burglary.” (*Arellano, supra*, 86 Cal.App.5th at p. 437.) Neither party, however, asked the Court of Appeal to remand for the trial court to reconsider the redesignated conviction, and neither party in this court has asked for a remand in the event we affirm the striking of the firearm enhancement. Moreover, a remand would be an idle act, given that the trial court at the resentencing proceeding stated its belief that it could redesignate the underlying felony as the burglary (or both the burglary and the attempted robbery) - yet chose not to do so. (See *id.* at p. 427, citing *Watson, supra*, 64 Cal.App.5th 474.) We therefore reverse the judgment of the Court of Appeal to the extent it ordered a remand to the trial court for redesignation of the underlying felony or felonies.

Majority Opinion by Evans, J.

-- joined by Guerrero, C. J., Corrigan, Liu, Kruger, Groban, and Jenkins, JJ.

**S285841** E083744 Fourth Appellate District, Div. 2**SCHLICHTER (MARK KEVIN)  
v. KENNEDY (GARY)**

Petition for review &amp; application for stay denied

**S086355****PEOPLE v. LEWIS (KEITH  
ALLEN)**

Extension of time granted

Upon application of counsel Pamala Sayasane, an extension of time in which to serve and file appellant's supplemental opening brief is granted to September 16, 2024. After that date, no further extensions are contemplated. 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

**S212161****PEOPLE v. WALTERS  
(MICHAEL J.)**

Extension of time granted

Based upon Deputy Attorney General Kathryn L. Althizer's representation that the respondent's brief is anticipated to be filed by January 16, 2025, an extension of time in which to serve and file that brief is granted to September 17, 2024. After that date, only two further extensions totaling about 121 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S242792****PEOPLE v. ELLIS (JAMES  
DAWNTAY)**

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 September 16, 2024.

**S285296****HAYES (DMARCUS  
RASHAD) v. S.C. (PEOPLE)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the preliminary opposition to writ petition is extended to August 29, 2024.