

**SUPREME COURT MINUTES
WEDNESDAY, JULY 31, 2024
SAN FRANCISCO, CALIFORNIA**

S285191 F085924 Fifth Appellate District

**PEOPLE v. WILSON
(KIMBERLY AMARA)**

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. Superior Court (Guevara)*, S283305 (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.

S285608 B326706 Second Appellate District, Div. 6

**PEOPLE v. LEON (RICARDO
GUDINO)**

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 Hernandez*, S282186 (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.

S285618 B327278 Second Appellate District, Div. 6

**GONZALEZ (MAIKEL) v.
ALUMINUM PRECISION
PRODUCTS, INC.;
MALDONADO, JR., (JOHN)**

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.

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

S285712 F085335 Fifth Appellate District

**PEOPLE v. CLARK (AL
RICKEY)**

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.

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

S285717 B326635 Second Appellate District, Div. 2

**PEOPLE v. LOVE
(DAVAUGHN)**

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.

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

S284328

**HENDERSON (LANCE K.) v.
S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

S285151 H050551 Sixth Appellate District

**PEOPLE v. PAGE (COREY
KYREE)**

Petition for review denied

S285160 B330782 Second Appellate District, Div. 7

**LIU (MILLER) v.
LANTERPRISE, INC.**

Petition for review denied

S285232 D081233 Fourth Appellate District, Div. 1

**THE REGENTS OF THE
UNIVERSITY OF
CALIFORNIA v. HE (LING)**

Petition for review denied

S285340 F084993 Fifth Appellate District

Petition for review denied

**FERNANDEZ (SHAWN) v.
MARSTON (LESTER)**

S285347 G062338 Fourth Appellate District, Div. 3
Petition for review denied

BUI (ROSE) v. KY (NGO)

S285376 C093905 Third Appellate District

Petition for review denied

**WU (REBECCA) v. CARREON
(GINA)**

S285394 D084196 Fourth Appellate District, Div. 1

Petition for review denied

**NAWORAH (MASSARA) v.
S.C. (RAHEMO)**

S285412 G064148 Fourth Appellate District, Div. 3

Petition for review denied

**ALLRED (ED) v. S.C.
(BEDNAR)**

S285427 B333593 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. WILLIAMS
(MELVIN)**

S285448 A167860 First Appellate District, Div. 5

Petition for review denied

**COLVIS (LINDA
GARAVENTA) v.
BINSWANGER (LOUISA)**

S285453 A168411 First Appellate District, Div. 1

Petition for review denied

Liu, J., is of the opinion the petition should be granted.

**PEOPLE v. PRITCHETT
(TARA SHAWNEE)**

S285456 B338053 Second Appellate District, Div. 4
Petition for review denied

DESILVA (MIGUEL) ON H.C.

S285461 C099137 Third Appellate District

Petition for review denied

PEOPLE v. DARTY (KORY LATRELL)

S285468 B328597 Second Appellate District, Div. 5
Petition for review denied

PEOPLE v. McCABE (DAVID)

S285476 F088024 Fifth Appellate District

Petition for review denied

**SANCHEZ, JR., (MIGUEL)
ON H.C.**

S285478 A169627 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. PAIGE
(LEONDRE)**

S285490 F086071 Fifth Appellate District

Petition for review denied

**PEOPLE v. LEYVA
(MICHAEL ANTHONY)**

S285497 A169349 First Appellate District, Div. 4

Petition for review denied

**SHANNON B. JONES LAW
GROUP, INC. v. S.C.
(VELLA-ANDRADE)**

S285502 F088110 Fifth Appellate District

Petition for review denied

**CONTRERAS (GEORGE
LOPEZ) ON H.C.**

S285513 D082240 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MARTINEZ
(GILBERT RAYMOND)**

S285545 D081407 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ORTEGA
(ALFREDO)**

S285552 B325433 Second Appellate District, Div. 6

PEOPLE v. ELLIS (JUSTIN CARLYLE)

Petition for review denied; CA opinion decertified

The petition for review is denied.

On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed May 15, 2024, which appears at 101 Cal.App.5th 1233. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(2).)

S285561 C099011 Third Appellate District

MALMQUIST (HAROLD) v. CITY OF FOLSOM

Petition for review denied

S285565 A166488 First Appellate District, Div. 2

PEOPLE v. WHITE (LATRAIL)

Petition for review denied

S285570 E082581 Fourth Appellate District, Div. 2
Petition for review denied

IN RE R.I.

S285587

Petition for review denied

HALL (SYDNEY JAY), IN RE

S285594 H052076 Sixth Appellate District

PIAZZA (JOSEPH THOMAS) v. S.C. (PEOPLE)

Petition for review denied

S285599 A168760 First Appellate District, Div. 3

PEOPLE v. ARRIAZA (NELVIN GEOVANNY)

Petition for review denied

S285600 B326172 Second Appellate District, Div. 6

PEOPLE v. FENSTERMACHER (JASON LEE)

Petition for review denied

S285603 D082437 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BOLDEN
(ERNEST)**

S285607 F085950 Fifth Appellate District

Petition for review denied

**PEOPLE v. PERCY (ALFORD
DEJOHN)**

S285609 B325820 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. CHICAS
(WILFREDO RODRIGUEZ)**

S285611 B327081 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. CARRIEDO
(JULIO CESAR)**

S285617 A170663 First Appellate District, Div. 1

Petition for review & application for stay denied

S. (B.) v. S.C. (D.S.)

S285621 H050920 Sixth Appellate District

Petition for review denied

**PEOPLE v. BACA (DAVID
ALLEN)**

S285622 C098626 Third Appellate District

Petition for review denied

**PEOPLE v. RODRIGUEZ
(ANGEL MICHAEL)**

S285623 B338396 Second Appellate District, Div. 6

Petition for review denied

**BRIBIESCA-PUGA (EDGAR)
v. S.C. (PEOPLE)**

S285624 E082733 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. LANGSTON
(STANLEY MEADOW)**

S285628 F084262 Fifth Appellate District

Petition for review denied

PEOPLE v. PINEDA (RAUL ALFARO)

S285631 E079531 Fourth Appellate District, Div. 2

Petition for review denied

GREEN LOTUS ENTERTAINMENT, INC. v. CITY OF MONTCLAIR

S285651 E078804 Fourth Appellate District, Div. 2

Petition for review denied

IN RE F.L.

S285654 D080636 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. STOLTE (PRESTON BERNARD)

S285655 D083313 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. LOFTON (BRYAN KEITH)

S285659 F084424 Fifth Appellate District

Petition for review denied

PEOPLE v. WOMACK, JR., (DARREN JOSEPH LEE)

S285660 E081458 Fourth Appellate District, Div. 2

Petition for review denied

Liu, J., is of the opinion the petition should be granted.

IN RE D.A.

S285664 B331667 Second Appellate District, Div. 2

Petition for review denied

MARTINEZ (CITLALI LOPEZ MAYTE) v. SIMPLIFIED LABOR STAFFING SOLUTIONS, INC.

S285666 B331633 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GRAHAM (BORIS
GEORGE)**

S285667 D081873 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. LEON (JOSE
JUAN)**

S285669 F086305 Fifth Appellate District

Petition for review denied

**PEOPLE v. URIOSTEGUI
(DANIEL)**

S285675 B322885 Second Appellate District, Div. 8

Petition for review denied

PEOPLE v. TOOKS (OTIE)

S285679 B329084 Second Appellate District, Div. 1

Petition for review denied

PEOPLE v. PUGH (WILBERT)

S285695 B338617 Second Appellate District, Div. 7

Petition for review denied

**WILLIAMS (DERRICK
LAVELL) v. S.C. (PEOPLE)**

S285702 A165248 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. HERRERA
(OMAR)**

S285710 B326555 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. RODAS
(DOMINGO)**

S285715 A167204 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ABBATE (JOSEPH
ANGEL)**

S285723 C097276 Third Appellate District

Petition for review denied

**PEOPLE v. CALHOUN
(OMAR)**

S285870 E084080 Fourth Appellate District, Div. 2

Petition for review & application for stay denied

**GONZALES (MIGUEL
BARBA) v. S.C. (PEOPLE)**

S285879 B338054 Second Appellate District, Div. 8

Petition for review & application for stay denied

**VALK (SHARRÓN) v. FATA
(DONALDO)**

S280472

Petition for writ of habeas corpus denied
Evans, J., was recused and did not participate.

GONZALEZ (JOSE) ON H.C.

S283923

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**BROUSSARD, JR., (CURLEY
JOHN) ON H.C.**

S284244

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

**EBERLY (GARY ALAN) ON
H.C.**

S284277

Petition for writ of habeas corpus denied

SEE (MOUSENG) ON H.C.

S284360

Petition for writ of habeas corpus denied
Guerrero, C. J., was recused and did not participate.

**MITCHELL (KENYATTA
QUINN) ON H.C.**

S284361**COLLINS (DONALD WAYNE)
ON H.C.**

Petition for writ of habeas corpus denied

S284392**GREEN (VENCIL) ON H.C.**

Petition for writ of habeas corpus denied

S284441**PHENGSAVATH (BOBBY)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

S284443**MITCHELL (CARL
DWAYNE) ON H.C.**

Petition for writ of habeas corpus denied

S285573**CHAIDEZ (ROBERTO
CHRISTIAN) 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 has been denied access to the courts, the trial judge in his case was racist, a police officer planted evidence, and he and Mexican inmates are being held hostage. 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. 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.

Guerrero, C. J., was recused and did not participate.

S285673**JONES (BRANDON) 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 the superior court erred by failing to consider his Racial Justice Act claims with his petition for recall and resentencing pursuant to Penal Code section 1172.6 and that the superior court's denial of the Racial Justice Act claim was motivated by bias and discrimination.

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.

S285082

G062091 Fourth Appellate District, Div. 3

**HINSHAW (JESSYCA) v.
ANAHEIM CITY CENTRE
PROPERTY, LLC**

Publication request denied (case closed)

S120382**PEOPLE v. SANCHEZ
(VINCENT HENRY)**

Extension of time granted

The application of appellant for relief from default for the failure to timely file appellant's application for extension of time is granted.

Upon application of counsel Michael R. Snedeker, an extension of time in which to serve and file appellant's supplemental opening brief is granted to September 30, 2024. After that date, no further extensions will be granted.

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.

S105403**PEOPLE v. CHHOUN (RUN
PETER) & PAN (SAMRETH
SAM)**

Motion denied

The court construes the letter, dated July 19, 2024, from counsel for Appellant Samreth Sam Pan as a motion to sever Appellant Pan's appeal from Co-Appellant Run Peter Chhoun's appeal for purposes of oral argument and to set oral argument in Appellant Pan's appeal for September 2024. So construed, the motion is denied.

S286099**HORTON (ZACHARY
THOMAS) v. S.C.
(FRANCHISE TAX BOARD)**

Transferred to Court of Appeal, First Appellate District

The above-entitled matter is transferred to the Court of Appeal, First Appellate District.

S286164**ACEDO (DANIEL) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division One

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S285057**ACCUSATION OF WALKER**

Petition denied (accusation)

S285699**ACCUSATION OF WONG**

Petition denied (accusation)

S286186**ALLEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KIMBERLY ANN ALLEN, State Bar Number 129522, as an attorney of the State Bar of California is accepted.

S286187**BLACK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DONALD JAMES BLACK, State Bar Number 100312, as an attorney of the State Bar of California is accepted.

S286188**DIOGUARDI ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN DIOGUARDI, State Bar Number 53417, as an attorney of the State Bar of California is accepted.

S286189**DRISCHOLL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WHITNEY ELIZABETH DRISCOLL, State Bar Number 291213, as an attorney of the State Bar of California is accepted.

S286190**HIGHSMITH ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ERIC PAUL HIGHSMITH, State Bar Number 157399, as an attorney of the State Bar of California is accepted.

S286191**LIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JEAN HSIN LIN, State Bar Number 210655, as an attorney of the State Bar of California is accepted.

S286194**MATHEWS ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARK JUDSON MATHEWS, State Bar Number 130853, as an attorney of the State Bar of California is accepted.

S286195**MOORE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHARLES HENRY MOORE, State Bar Number 156832, as an attorney of the State Bar of California is accepted.

S286196**NELSON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MONIQUE ANN NELSON, State Bar Number 153565, as an attorney of the State Bar of California is accepted.

S286197**NEUMAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of VINCENT EUGENE NEUMAN, State Bar Number 183363, as an attorney of the State Bar of California is accepted.

S286198**OLDMIXON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of VIRGINIA MARIE OLDMIXON, State Bar Number 171522, as an attorney of the State Bar of California is accepted.

S286199**RAAB ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARCI HAND RAAB, State Bar Number 143984, as an attorney of the State Bar of California is accepted.

S286200**REAM ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TIMOTHY J. REAM, State Bar Number 283971, as an attorney of the State Bar of California is accepted.

S286203**ROBERTS ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DARYL ARTHUR ROBERTS, State Bar Number 111981, as an attorney of the State Bar of California is accepted.

S286204**SCANNELL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANN FRANCES SCANNELL, State Bar Number 158319, as an attorney of the State Bar of California is accepted.

S286205**SIERRA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANNETTE MARIE SIERRA, State Bar Number 156653, as an attorney of the State Bar of California is accepted.

S286206**ST. JOHN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of IVAN ST. JOHN, State Bar Number 265880, as an attorney of the State Bar of California is accepted.

S286207**VIRTUE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JULIET LOUISE VIRTUE, State Bar Number 144417, as an attorney of the State Bar of California is accepted.

S286208**WEINER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHELLE TINA WEINER, State Bar Number 131361, as an attorney of the State Bar of California is accepted.