

**SUPREME COURT MINUTES
MONDAY, AUGUST 5, 2024
SAN FRANCISCO, CALIFORNIA**

S118775**PEOPLE v. WILSON
(JAVANCE MICKEY)**

Opinion filed: Judgment affirmed in full

The judgment is affirmed. The motion for a stay and limited remand is denied.

Majority Opinion by Kruger, J.

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

Dissenting Opinion by Evans, J.

-- joined by Liu, J.

S148863**PEOPLE v. FRAZIER
(ROBERT WARD)**

Opinion filed: Judgment affirmed in full

We affirm the judgment in its entirety.

Majority Opinion by Guerrero, C. J.

-- joined by Corrigan, Kruger, Groban, and Jenkins, JJ.

Dissenting Opinion by Liu, J.

Dissenting Opinion by Evans, J.

S286267 D083446/D083475 Fourth Appellate District, Div. 1 **SNAP, INC. v. S.C. (PINA)**
Stay order filed

To permit consideration of the petition for review filed herein, the “Order for Production of Records” filed on December 8, 2023, and the Ex Parte order filed on August 2, 2024, by the San Diego County Superior Court in case no. CN429787, entitled *People v. Pina*, are hereby stayed pending further order of this court.

S126387**PEOPLE v. HAZLETT
(LARRY KUSUTH)**

Extension of time granted

Upon application of Supervising Deputy Attorney General Kimberley A. Donohue, an extension of time in which to serve and file a respondent’s second supplemental answering brief is granted to October 7, 2024. 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.

S185810

**PEOPLE v. THREATS
(DERLYN RAY)**

Extension of time granted

Based upon counsel Senior Deputy State Public Defender Jessica E. Oats' representation that the appellant's opening brief is anticipated to be filed by April 15, 2025, an extension of time in which to serve and file that brief is granted to October 8, 2024. After that date, only four further extensions totaling about 189 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).)

S206515

PEOPLE v. MILLS (DAVID)

Extension of time granted

Based upon Assistant Chief Counsel Kathleen M. Scheidel's representation that the appellant's reply brief is anticipated to be filed by November 7, 2024, an extension of time in which to serve and file that brief is granted to October 8, 2024. After that date, only one further extension totaling about 30 additional 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)(B)(ii).)

S246033

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

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to October 1, 2024.

S284303 A164483 First Appellate District, Div. 3

**WHITEHEAD (TY) v. CITY
OF OAKLAND**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to September 13, 2024.

S277666**FINN ON DISCIPLINE**

Probation revoked

The court orders that the probation of WARREN MICHAEL FINN (Respondent), State Bar Number 34970, is revoked. The court further orders that:

1. Respondent is suspended from the practice of law for a minimum of three years, and Respondent will remain suspended until Respondent provides proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std.1.2(c)(1).)
2. Respondent is given credit towards the three-year suspension for the period of involuntary inactive enrollment which commenced on April 21, 2024.

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.

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.

S285303**CHIVINSKI ON DISCIPLINE**

Recommended discipline imposed

The court orders that ANDREW ROBERT CHIVINSKI (Respondent), State Bar Number 236861, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 6, 2024; 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 Hearing Department in its Order Approving Stipulation filed on May 6, 2024. 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 subdivisions (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 \$1,500 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. One-half of the costs must be paid with Respondent's annual fees for each of the years 2025 and 2026. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S285304

**LUSTGARTEN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that ALFRED LUSTGARTEN (Respondent), State Bar Number 189503, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and Respondent is placed on probation for four years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first two years of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent makes restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court (or reimburses the Client Security Fund, to the extent of any payment from the Fund to such payees, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles. Reimbursement to the Fund is enforceable as a money judgment and may be collected by the State Bar through any means permitted by law:
 - (1) Luis Cortes in the amount of \$4,495 plus 10 percent interest per year from October 8, 2020;
 - (2) Santiago Gomez in the amount of \$2,132.66 plus 10 percent interest per year from September 20, 2018; and
 - (3) Yesenia Alonzo in the amount of \$4,714.95 plus 10 percent interest per year from September 14, 2018.
 - ii. Respondent provides proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Respondent must also comply with the other conditions of probation recommended by the

Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 29, 2024.

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 Hearing Department in its Order Approving Stipulation filed on April 29, 2024. 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 \$1,000 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. One-fourth of the costs must be paid with Respondent's annual fees for each of the years 2025, 2026, 2027, and 2028. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.