

**[NO MINUTES WERE GENERATED FOR
TUESDAY, AUGUST 15, 2023.]**

993

**SUPREME COURT MINUTES
WEDNESDAY, AUGUST 16, 2023
SAN FRANCISCO, CALIFORNIA**

S281065 H050711 Sixth Appellate District

**PAKNAD (MICHELLE) v. S.C.
(INTUITIVE SURGICAL,
INC.)**

Petition for review granted; transferred to Court of Appeal, Sixth Appellate District, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Sixth Appellate District, 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, all proceedings in Santa Clara County Superior Court Case No. 19CV350641 are hereby stayed.

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

S279377

**WONG (ELAINE) ON
CLEMENCY**

Letter sent to Governor with the recommendation required by article V, section 8 of the California Constitution for the Governor to grant clemency

The Honorable Gavin Newsom Governor,
State of California State Capitol Building
Sacramento, CA 95814

Re: Elaine Wong
Legal Affairs File No.: GO No. 1839-13
Case Number: S279377
Executive Clemency Number: 1244

Dear Governor Newsom:

On the application of Elaine Wong for commutation of sentence, your office requested a recommendation under article V, section 8 of the California Constitution in order to grant a commutation of sentence to the applicant. The request stated that: "The Governor is contemplating a commutation of sentence that would make Ms. Wong eligible for a parole suitability hearing." The court, with at least 4 judges concurring, hereby grants the request and

issues the recommendation required by article V, section 8.

Sincerely,

Hon. Patricia Guerrero, Chief Justice of California
Groban and Evans, JJ., were recused and did not participate.

S280089 B318310 Second Appellate District, Div. 7 **PEOPLE v. MEZA (DANIEL)**
Petition for review denied

Defendant Meneses’s motion to join defendant Meza’s petition for review is granted.
The petitions for review are denied.
Liu and Evans, JJ., are of the opinion the petition should be granted.
(See Dissenting Statement by Liu, J.)

Dissenting Statement by Justice Liu

The Electronic Communications Privacy Act (CalECPA; Pen. Code, § 1546 et seq.) governs law enforcement’s ability to “compel the production of or access to electronic communication information from a service provider.” (*Id.*, § 1546.1, subd. (b).) “Any warrant for electronic information” must meet certain requirements: it must “describe with particularity the information to be seized” and “require that any information obtained . . . that is unrelated to the objective of the warrant shall be sealed.” (*Id.*, § 1546.1, subd. (d)(1), (2)). In addition, the warrant must “comply with all other provisions of California and federal law, including any provisions prohibiting, limiting, or imposing additional requirements on the use of search warrants.” (*Id.*, § 1546.1, subd. (d)(3).)

Here, law enforcement used a geofence warrant - a “ “reverse location search[]” ” request - to access device location data gathered by Google. (*People v. Meza* (2023) 90 Cal.App.5th 520, 525 (*Meza*).) The warrant directed Google to search certain location history data, produce an anonymized list of devices, and turn over identifying information for devices that law enforcement deemed relevant to the investigation. (*Id.* at pp. 529-530.) This led to the identification of defendants Daniel Meza and Walter Meneses, whose cell phones, while “signed in to Google accounts connected to them[,] were in several of the same locations” as the victim. (*Id.* at p. 526.) Meza and Meneses challenge the warrant and admission of the resulting evidence under the Fourth Amendment to the United States Constitution and CalECPA.

The Court of Appeal concluded the geofence warrant violated the Fourth Amendment because it “lacked the particularity required by the Fourth Amendment and was impermissibly overbroad.” (*Meza, supra*, 90 Cal.App.5th at p. 526.) It then held that the warrant did not violate CalECPA, rejecting an argument that the “constitutional infirmities in the warrant create an independent violation” of the statute. (*Meza*, at p. 546.) The Court of Appeal’s analysis was minimal. It reasoned that “nothing in the [statutory] language . . . , without more, converts a Fourth

Amendment violation into a statutory violation.” (*Ibid.*)

It is not apparent what “more” is necessary here. Penal Code section 1546.1, subdivision (d)(3) requires all warrants to comply with “all other provisions of California and federal law,” which includes the Fourth Amendment. CalECPA’s incorporation of the Fourth Amendment’s requirements seems unambiguous: a warrant that violates federal law also violates CalECPA. Consistent with this reading, the statute’s remedy provision specifically references Fourth Amendment violations: “Any person in a trial, hearing, or proceeding may move to suppress any electronic information obtained or retained in violation of the Fourth Amendment to the United States Constitution or of this chapter.” (Pen. Code, § 1546.4, subd. (a).)

The Court of Appeal held that these “provisions do nothing more than expressly preserve an individual’s existing rights under the federal Constitution.” (*Meza, supra*, 90 Cal.App.5th at p. 546.) But there is no need for a state statute to “expressly preserve” federal rights. An individual can always independently pursue a federal constitutional challenge, as *Meza* and *Meneses* did here. CalECPA did not purport to supplant the requirements of federal law; in fact, it would have been impermissible for the statute to do so. (See *Sibron v. New York* (1968) 392 U.S. 40, 60-61 [a state “is, of course, free to develop its own law of search and seizure to meet the needs of local law enforcement” but “may not . . . authorize police conduct which trenches upon Fourth Amendment rights”].) Interpreting these provisions as solely preserving existing federal rights appears to give them no effect.

The consequences of this decision are potentially significant. Despite finding that the warrant violated the Fourth Amendment, the Court of Appeal declined to apply the exclusionary rule under the good faith exception of *United States v. Leon* (1984) 468 U.S. 897. (*Meza, supra*, 90 Cal.App.5th at p. 544.) It is not clear whether such an exception applies to violations of CalECPA, and there are plausible arguments on both sides of the question. (See *Freiwald, At the Privacy Vanguard: California’s Electronic Communications Privacy Act (CalECPA)* (2018) 33 Berkeley Tech. L.J. 131, 161 [“[T]he state procedures do not incorporate the expansive exceptions that courts have used to deny suppression remedies in Fourth Amendment cases under the doctrine of good faith.”], fn. omitted; *Meza*, at p. 546, fn. 17 [declining to reach the question]; cf. *People v. Jackson* (2005) 129 Cal.App.4th 129, 153-160 [considering various factors in concluding that the good faith exception does not apply to evidence gathered in violation of California’s wiretap law].) If the exception does not apply, then the identifying evidence would be suppressed under CalECPA, thus affecting the validity of *Meza*’s and *Meneses*’s convictions.

CalECPA is a “significant” statute that made “the law governing access to electronic communications by law enforcement in California . . . much more protective of communications privacy.” (*Freiwald, supra*, 33 Berkeley Tech. L.J. at p. 133.) Because I find questionable the Court of Appeal’s interpretation of this important state law, and because of the practical importance of the issue, I would grant review.

LIU, J.

I Concur:
EVANS, J.

S280456 E079027 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. ANDERSON
(BROQUE)**

S280461 B319116 Second Appellate District, Div. 1
Petitions for review denied

**TOBEROFF & ASSOCIATES,
P.C. v. BETANCOURT (JOHN)**

S280478 C096504 Third Appellate District
Petition for review denied

**PEOPLE v. RODAS
(ALVARO)**

S280485 A163777 First Appellate District, Div. 4
Petition for review denied

**PEOPLE v. DANIELSON
(DAVID)**

S280531 C096016 Third Appellate District
Petition for review denied

PEOPLE v. PRINCE (KEITH)

S280544 F084853 Fifth Appellate District
Petition for review denied

**PEOPLE v. RICHARDSON
(LaJOHN)**

S280573 B316256 Second Appellate District, Div. 2
Petitions for review denied

**PEOPLE v. SHINN (EDWARD
ALCARAZ)**

S280621
Petition for writ of mandate/prohibition denied

**ROSE (CINDY ELLEN) v. S.C.
(QUACKENBUSH)**

S280625 C096142 Third Appellate District
Petition for review denied

IN RE K.C.

S280628 B316978 Second Appellate District, Div. 5

Petition for review denied

**PONCIANO (RONALD L.) v.
CITRUS COMMUNITY
COLLEGE DISTRICT**

S280630 F082992 Fifth Appellate District

Petition for review denied

**WILKINS (KEENAN) v.
SMITH (K.)**

S280654 A167900 First Appellate District, Div. 2

Petition for review denied

**CHAFFEE (JAMES) v.
APPELLATE DIVISION
(SCHELLER, JR.)**

S280704 B329463 Second Appellate District, Div. 3

Petition for review denied

**APAI (SZABOLCS) v. S.C.
(THE PASTRY TRUCK, LLC)**

S280762 B329227 Second Appellate District, Div. 5

Petition for review denied

**YOUSSEF (GAMIL) v. S.C.
(BAKER)**

S280770 C093916 Third Appellate District

Petition for review denied

**RAB (RAJI) v. WEBER
(SHIRLEY N.)**

S280774 B328974 Second Appellate District, Div. 1

Petition for review denied

**DODD (DANNY) v. S.C.
(PEOPLE)**

S280778 A161394 First Appellate District, Div. 2
Petition for review denied

IN RE I.W.

S280813 A168066 First Appellate District, Div. 3

Petition for review denied

**POWELL (TROY LEE) ON
H.C.**

S280829 E078673 Fourth Appellate District, Div. 2

The request for judicial notice is granted.
The petition for review and application for stay are denied.

**VICTOR VALLEY UNION
HIGH SCHOOL DISTRICT v.
S.C. (JOHN DOE)**

S280833 B321347 Second Appellate District, Div. 2

Petition for review denied

**BERGER (MELANIE P.),
ESTATE OF**

S280838 E077772 Fourth Appellate District, Div. 2

Petition for review & depublication request(s) denied

**SAN BERNARDINO COUNTY
BOARD OF SUPERVISORS v.
MONELL (LYNNA); RENNER
(NADIA)**

S280857 A166462 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. WALLACE
(CLINTON D.)**

S280858 G062804 Fourth Appellate District, Div. 3

Petition for review denied

**SPELIC (DESERIE YVONNE)
v. S.C. (PEOPLE)**

S280860 C097329 Third Appellate District

Petition for review denied

**PEOPLE v. MORA, JR., (JOSE
RAMON)**

S280865 E078666 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ENGLISH, JR.,
(RONALD LAMART)**

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| S280870 | C098767 Third Appellate District | PEOPLE v. CEPEDA (DAVID) |
| Petition for review denied | | |
| S280873 | B315396 Second Appellate District, Div. 4 | PEOPLE v. ALVAREZ (ISHMAL ANTHONY) |
| Petition for review denied | | |
| S280876 | C095930 Third Appellate District | PEOPLE v. HUDSON (MICHAEL LLOYD) |
| Petition for review denied | | |
| S280877 | B320310 Second Appellate District, Div. 5 | PEOPLE v. HARRIS (HARRY VONDALE) |
| Petition for review denied | | |
| S280880 | F084856 Fifth Appellate District | PEOPLE v. PELAYO (STEVEN LOPEZ) |
| Petition for review denied | | |
| S280881 | H047790 Sixth Appellate District | PEOPLE v. CORTINAS (MOSES) |
| Petition for review denied | | |
| S280884 | H049891 Sixth Appellate District | PEOPLE v. COLLINS (PATRICK AARON) |
| Petition for review denied | | |
| S280886 | D079965 Fourth Appellate District, Div. 1 | PEOPLE v. FLORES (JOSHUA ARTURO) |
| Petition for review denied | | |
| S280888 | C093565 Third Appellate District | PEOPLE v. THOMAS (BUCK MALDONADO) |
| Petition for review denied | | |

S280891 E078422 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. GARCIA
(ADRIAN)**

S280893 C093198 Third Appellate District

Petition for review denied

**PEOPLE v. TATUM
(FREDRICK R.)**

S280896 E078600 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. THOMPSON
(JEFFREY LEROY)**

S280897

Complaint in the nature of a writ quo warranto denied

IN RE K.E.

The quo warranto complaint is denied.

The “Motion to Quash Service of Summons and Amended Complaint” is denied.

S280898 B322637 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MENDEZ
(FRANCISCO)**

S280909 C096168 Third Appellate District

Petition for review denied

**PEOPLE v. CASILLAS
(MANUEL SUE)**

S280910 E079172 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SCOTT (EDWARD
LAMAR)**

S280915 C096047 Third Appellate District

Petition for review denied

**PEOPLE v. SAECHAO
(DAVID)**

S280916 B321109 Second Appellate District, Div. 8

Petition for review denied

PEOPLE v. LEWIS (ANDREW TERREL)

S280918 F082708 Fifth Appellate District

Petition for review denied

PEOPLE v. CARRILLO (CARLOS)

S280940 G062799 Fourth Appellate District, Div. 3

Petition for review denied

SABBATH (CHARLES OSCAR) v. S.C. (PEOPLE)

S280949 C095434 Third Appellate District

Petition for review denied

PEOPLE v. FARWELL (ROBERT WILLIAM)

S280951 B318722 Second Appellate District, Div. 8

Petition for review denied

PEOPLE v. VENTURA (JESSE)

S280955 C096605 Third Appellate District

Petition for review denied

PEOPLE v. CHAVEZ (JUAN MANUEL)

S280963 H050933 Sixth Appellate District

Petition for review denied

PEOPLE v. FLORES (PAUL RUBEN)

S279844

Petition for writ of habeas corpus denied

COX (LEVERT) ON H.C.

S279870

Petition for writ of habeas corpus denied

LAWRIE (MATTHEW A.) ON H.C.

S279899

Petition for writ of habeas corpus denied

JONES (THOMAS DEAN) ON H.C.**S280044**

Petition for writ of habeas corpus denied

MORENO (NOE) ON H.C.**S280045**

Petition for writ of habeas corpus denied

HOLLOWAY (JEFFREY) ON H.C.**S280051**

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 Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

THOMPSON (DEWAYNE) ON H.C.**S280093**

Petition for writ of habeas corpus denied

VILLA (CESAR FRANCISCO) ON H.C.**S280100**

Petition for writ of habeas corpus denied

GIUSTI (DAVID C.) ON H.C.**S280149**

Petition for writ of habeas corpus denied

WAGGONER (ANTHONY L.) ON H.C.**S280170**

Petition for writ of habeas corpus denied

THOMAS III (JAMES LEE) ON H.C.**S280185**

Petition for writ of habeas corpus denied

JENKINS (ALONZO) ON H.C.

S280189**LEE (TODD) ON H.C.**

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].)

S280193**HARPER (JASON SCOTT) ON H.C.**

Petition for writ of habeas corpus denied

S280218**HILL (CURTIS JAMES) ON H.C.**

Petition for writ of habeas corpus denied

S280923**PRICE (SCOTT RICHARD) ON H.C.**

Petition for writ of habeas corpus denied

S280974**BAILEY (JASPER) ON H.C.**

Petition for writ of habeas corpus denied

S280998**MINNICK (BUDDIE RAYMOND) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S281014**CAMOU (ROBERT ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied

S280617

B320491 Second Appellate District, Div. 6

FRIENDS OF OCEANO DUNES v. CALIFORNIA COASTAL COMMISSION (DEPARTMENT OF PARKS & RECREATION)

Depublication ordered (case closed)

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed April 20, 2023, which appears at 90 Cal.App.5th 836. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 8.1125(c)(1).)

S280060 A165097 First Appellate District, Div. 1 **POSTMARK PARTNERS, LP
v. PAIK (KYUNG AH KARA)**
Publication request denied (case closed)

S280066 B318657 Second Appellate District, Div. 2 **IN RE J.G.**
Publication request denied (case closed)

S280109 B320514 Second Appellate District, Div. 4 **NEW ENGLAND WIRE
TECHNOLOGIES
CORPORATION v. COONER
SALES COMPANY, LLC**
Publication request denied (case closed)

S280176 B323444 Second Appellate District, Div. 6 **D. (J.), ADOPTION OF**
Publication request denied (case closed)

S280313 G061121 Fourth Appellate District, Div. 3 **GORENBERG (ALAN) v.
EMERSON MAINTENANCE
ASSOCIATION**
Publication requests denied (case closed)

S280396 B317767 Second Appellate District, Div. 4 **HERRERA (MARTIN) v. CITY
OF BALDWIN PARK**
Publication request denied (case closed)

S280397 B317647 Second Appellate District, Div. 3 **THOMPSON (JANELLE) v.
LOS ANGELES COUNTY
CIVIL SERVICE
COMMISSION**
Publication request denied (case closed)

S280400 B310399 Second Appellate District, Div. 3

**RIOS (ROY) v. WEBROOT
INC.**

Publication request denied (case closed)

S281028 F083743 Fifth Appellate District

**KERN COUNTY HOSPITAL
AUTHORITY v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION**

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

S280393 B319995 Second Appellate District, Div. 2 **IN RE D.L.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 21, 2023.

S280417 B316576 Second Appellate District, Div. 5

**IRWIN L. GREEN &
DOROTHY L. GREEN
REVOCABLE 1998 TRUST**

The time for granting or denying review in the above-entitled matter is hereby extended to September 26, 2023.

S280431 D079506 Fourth Appellate District, Div. 1 **A. (A.) v. A. (K.)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 28, 2023.

S280522 E077938 Fourth Appellate District, Div. 2

**PATKINS (DAVID C.) v.
PIANTINI (REBECA)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 25, 2023.

S280591 A166532 First Appellate District, Div. 2 **IN RE A.H.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 19, 2023.

S280683 B327106 Second Appellate District, Div. 2 **AFRIDI (MUHAMMAD) v. AMAZON.COM, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 21, 2023.

S280729 B313888 Second Appellate District, Div. 7 **BERNEY LAW CORP. v. CLUBCORP PORTER VALLEY COUNTRY CLUB, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 21, 2023.

S280740 A165823 First Appellate District, Div. 3 **LAZARO (MARTHA VALENCIA) v. YADAV ENTERPRISES, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 25, 2023.

S280752 F084913 Fifth Appellate District **NORTH AMERICAN TITLE COMPANY v. S.C. (CORTINA)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 26, 2023.

S280757 B329636 Second Appellate District, Div. 7 **URIOSTEQUI (LIZBET) v. S.C. (HOT CAKES NO. 7, INC.)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 27, 2023.

S280759 A167763 First Appellate District, Div. 2 **JACOBS (ERICA) v. JACOBS (JONATHAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 27, 2023.

S280767 D079955 Fourth Appellate District, Div. 1 **EMERT (ANDREA L. & ROBERT), MARRIAGE OF**

The time for granting or denying review in the above-entitled matter is hereby extended to September 27, 2023.

S280775 A165103/A165386 First Appellate District, Div. 2 **JACK (BRANDON) v. RING LLC**

The time for granting or denying review in the above-entitled matter is hereby extended to September 28, 2023.

S169152 **PEOPLE v. COLBERT (TECUMSEH N.)**

Application to file over-length brief granted

Appellant's "Application for Leave to File Appellant's Oversized Supplemental Opening Brief," filed on August 14, 2023, is granted.

S220332 **PEOPLE v. TURNER (CHESTER DEWAYNE)**

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 23, 2023.

S279845 **BUCKLEY ON DISCIPLINE**
Order filed

Due to error on the part of the State Bar of California. The order filed July 14, 2023, suspending MICHAEL BRIAN BUCKLEY (Respondent), is hereby amended to read in its entirety: "The court orders that MICHAEL BRIAN BUCKLEY (Respondent), State Bar Number 298510, 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 30 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 April 3, 2023; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on April 3, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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.

This order is entered nunc pro tunc to July 14, 2023."

S280507**ACCUSATION OF
JAYASURIYA**

Petition denied (accusation)

S280516**ACCUSATION OF
JAYASURIYA**

Petition denied (accusation)

S280855**ACCUSATION OF
SADDOZAI**

Petition denied (accusation)

S280926**ACCUSATION OF
SADDOZAI**

Petition denied (accusation)

S279750**KIMMEL ON DISCIPLINE**

Petition for review denied; recommended discipline imposed

The petition for review is denied.

The court orders that STANLEY HOWARD KIMMEL, State Bar Number 77007, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and is placed on probation for one year subject to the following conditions:

1. STANLEY HOWARD KIMMEL is suspended from the practice of law for the first 90 days of probation;

2. STANLEY HOWARD KIMMEL must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on March 16, 2023; and
3. At the expiration of the period of probation, if STANLEY HOWARD KIMMEL has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

STANLEY HOWARD KIMMEL 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. STANLEY HOWARD KIMMEL must also maintain the records of compliance as required by the conditions of probation.

STANLEY HOWARD KIMMEL must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$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.

S280624**DUNCAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that FRANK PATRICK DUNCAN (Respondent), State Bar Number 25865, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

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].)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$5,000 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.

S280627**WESTMORELAND ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that LESLIE WAYNE WESTMORELAND (Respondent), State Bar Number 195188, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

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].)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$5,000 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.

S280632**COHEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that Herman Jason Cohen (Respondent), State Bar Number 188783, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first six months of probation;
2. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on April 27, 2023; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Decision filed on April 27, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in 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 \$2,500 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

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

S280697**MITCHELL ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ANDREW BRIAN MITCHELL (Respondent), State Bar Number 284405, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

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].)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$5,000 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.

S280699**TEPPER ON DISCIPLINE**

Recommended discipline imposed

The court orders that NICHOLAS TEPPER (Respondent), State Bar Number 169610, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and Respondent is placed on probation for three years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first 18 months 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) Massis Danielian in the amount of \$1,000 plus 10 percent interest per year from August 9, 2012;
 - (2) Georgia Frabotta in the amount of \$3,500 plus 10 percent interest per year from March 16, 2020; and
 - (3) Diane Gaeta in the amount of \$6,000 plus 10 percent interest per year from December 13, 2019;
- 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 May 19, 2023.
 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 19, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in 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 \$4,500 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.

S281393

DOBIES ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of MARGARET G. DOBIES, State Bar Number 98961, as an attorney of the State Bar of California is accepted.

S281394**GRAY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MAX DEMOUY GRAY, State Bar Number 42839, as an attorney of the State Bar of California is accepted.

S281395**HOERGER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT G. HOERGER, State Bar Number 95039, as an attorney of the State Bar of California is accepted.

S281396**JAMES ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of FRANCIS JOHN JAMES, State Bar Number 152324, as an attorney of the State Bar of California is accepted.

S281397**KANER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SHERYL LYNN KANER, State Bar Number 120594, as an attorney of the State Bar of California is accepted.

S281398**KNIGHT ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN ANTHONY KNIGHT, State Bar Number 139431, as an attorney of the State Bar of California is accepted.

S281399**LEVERANT ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DIRK NORMAN LEVERANT, State Bar Number 161659, as an attorney of the State Bar of California is accepted.

S281400

LONGE ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTINE ANN LONGE, State Bar Number 248683, as an attorney of the State Bar of California is accepted.

S281401

**McKENNA ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WENDY McKENNA, State Bar Number 96300, as an attorney of the State Bar of California is accepted.

S281402

**MERRILL-LONG ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHELLE ANNE MERRILL-LONG, State Bar Number 120659, as an attorney of the State Bar of California is accepted.

S281403

MURPHY ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of BRIAN ANDREW MURPHY, State Bar Number 179321, as an attorney of the State Bar of California is accepted.

S281405

PRINCE ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of JEFF JAMES PRINCE, State Bar Number 210619, as an attorney of the State Bar of California is accepted.

S281406

**ROTHKOPF ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SHAUNA ROTHKOPF, State Bar Number 120318, as an attorney of the State Bar of California is accepted.

S281407**SILVER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JEFF HOWARD SILVER, State Bar Number 126980, as an attorney of the State Bar of California is accepted.

S281408**STEER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of REGINALD DAVID STEER, State Bar Number 56324, as an attorney of the State Bar of California is accepted.

S281409**SUDBURY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DEBORAH ANN SUDBURY, State Bar Number 116275, as an attorney of the State Bar of California is accepted.

S281410**TROY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTOPHER LEO TROY, State Bar Number 134207, as an attorney of the State Bar of California is accepted.

S281411**WASH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES LAUHLAN WASH, State Bar Number 162864, as an attorney of the State Bar of California is accepted.

S281421**ALLEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RANDALL LEE ALLEN, State Bar Number 264067, as an attorney of the State Bar of California is accepted.

S281422**CALDERON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JEANNE APRIL CALDERON, State Bar Number 100442, as an attorney of the State Bar of California is accepted.

S281423**CARTER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JULIE ANNE CARTER, State Bar Number 197519, as an attorney of the State Bar of California is accepted.

S281424**COE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PAUL MICHAEL COE, State Bar Number 128815, as an attorney of the State Bar of California is accepted.

S281426**CONDON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CREIGHTON O'MALLEY CONDON, State Bar Number 114724, as an attorney of the State Bar of California is accepted.

S281427**DORSEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEVEN LEE DORSEY, State Bar Number 56906, as an attorney of the State Bar of California is accepted.

S281428**EBE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of NANCY EBE, State Bar Number 83342, as an attorney of the State Bar of California is accepted.

S281429

**HATHAWAY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of THOMAS LEIGH HATHAWAY, State Bar Number 194779, as an attorney of the State Bar of California is accepted.

S281430

**HEDGPETH-HARRIS ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SARA HEDGPETH-HARRIS, State Bar Number 124114, as an attorney of the State Bar of California is accepted.

S281431

LASRY ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of LYNNE RACHELLE LASRY, State Bar Number 92008, as an attorney of the State Bar of California is accepted.

S281432

LEE ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of LORI ANN LEE, State Bar Number 148348, as an attorney of the State Bar of California is accepted.

S281433

PEASLEY ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of JILL ANNE PEASLEY, State Bar Number 177605, as an attorney of the State Bar of California is accepted.

S281434

ROCCI ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of MELISSA KARIN ROCCI, State Bar Number 163098, as an attorney of the State Bar of California is accepted.

S281435**SACHS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN FERGUSON SACHS, State Bar Number 85379, as an attorney of the State Bar of California is accepted.

S281436**SAPADEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GLENN PATRICK SAPADEN, State Bar Number 103354, as an attorney of the State Bar of California is accepted.

S281437**SOLA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SUSAN ELIZABETH SOLA, State Bar Number 82922, as an attorney of the State Bar of California is accepted.

S281438**TRACY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JULIA MARIE TRACY, State Bar Number 154793, as an attorney of the State Bar of California is accepted.

S281439**WASSMANN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DARCY LYNN WASSMANN, State Bar Number 253422, as an attorney of the State Bar of California is accepted.

S281440**WEBER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WAYLON LEE WEBER, State Bar Number 249695, as an attorney of the State Bar of California is accepted.

**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. 1628)**

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.)