

**SUPREME COURT MINUTES
WEDNESDAY, AUGUST 23, 2023
SAN FRANCISCO, CALIFORNIA**

S274927 H048486 Sixth Appellate District

**SANTA CLARA, COUNTY OF
v. S.C. (DOCTORS MEDICAL
CENTER OF MODESTO,
INC.)**

Request for modification denied

S281144 H047743 Sixth Appellate District

**PEOPLE v. HOWARD
(JERRY ALLEN)**

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 *Camacho v. Superior Court*, S273391 (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.

S272870 B308778 Second Appellate District, Div. 6

**NELSON (WANDA) v. SANTA
BARBARA COUNTY
SHERIFF'S OFFICE**

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

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its decision and reconsider the cause in light of *Leon v. County of Riverside* (2023) 14 Cal.5th 910. (Cal. Rules of Court, rule 8.528(d).)
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S277880 D079355 Fourth Appellate District, Div. 1

**CONWAY (SEAN) v. SAN
DIEGO CITY EMPLOYEES'
RETIREMENT SYSTEM**

Transferred to the Court of Appeal, Fourth Appellate District, Division One, after hold

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *Leon v. County of Riverside* (2023) 14 Cal.5th 910. (Cal. Rules of Court, rule 8.528(d).)
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S279379

**LILLY (DANNY) 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: Danny Lilly
Legal Affairs File No.: GO No. D-6164-98
Case Number: S279379
Executive Clemency Number: 1245

Dear Governor Newsom:
On the application of Danny Lilly for pardon, the court, with at least 4 judges concurring, hereby makes the recommendation required by Article V, section 8 of the California Constitution for the Governor to grant a pardon.

Sincerely,

Patricia Guerrero
Chief Justice of California

S280471 B314602/B320081 Second Appellate District, Div. 8 **IN RE AURORA S.**
Petition for review denied

S280552 E077664 Fourth Appellate District, Div. 2

**TEDESCO (THOMAS S.),
CONSERVATORSHIP OF**

The motion for appointment of counsel is denied.
The petition for review is denied.

S280571 B311324 Second Appellate District, Div. 1

**DURAN (OSCAR) v. COUNTY
OF LOS ANGELES**

Petition for review denied

S280591 A166532 First Appellate District, Div. 2 **IN RE A.H.**
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 16, 2023, which appears at 91 Cal.App.5th 741. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 8.1125(c)(1).)

S280592 A163562 First Appellate District, Div. 1 **TRUCONNECT
COMMUNICATIONS, INC. v.
MAXIMUS INC.**

Petitions for review denied

S280604 D080912 Fourth Appellate District, Div. 1 **BARBER (WAYNE) v.
SELECT PORTFOLIO
SERVICING, INC.**

Petition for review denied

S280610 B322027 Second Appellate District, Div. 4 **ADLER (EDIE DEARING) v.
ADLER (KERRY EVAN)**

Petition for review denied

S280615 B316606 Second Appellate District, Div. 7 **RAZOUMOVITCH (ARKADI)
v. 726 HUDSON AVE., LLC**

Petition for review denied; CA opinion decertified

The petition for review is denied.

The request for an order directing depublication of the opinion is granted. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed May 12, 2023 which appears at 91 Cal.App.5th 547. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(1).)

S280620 B316245 Second Appellate District, Div. 7 **PEOPLE v. GOVAN
(DEANTHONY TYQUAN)**

Petition for review denied

S280640 B311573 Second Appellate District, Div. 7

Petition for review denied

**CASTELO (ELIZABETH) v.
XCEED FINANCIAL CREDIT
UNION**

S280698 A162323 First Appellate District, Div. 4

Petition for review denied

**FUTTERMAN (SUSAN) v.
KAISER FOUNDATION
HEALTH PLAN, INC.**

S280726 H049808 Sixth Appellate District

The request for judicial notice is denied.
The petition for review is denied.

**BYE (PATRICIA M.) v.
MULA, JR., (PAUL S.)**

S280743 B312583 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. MIDDLETON
(KAYLA JUANITA)**

S280751 F082042 Fifth Appellate District

Petition for review denied

**PEOPLE v. GAYTAN
(OSCAR)**

S280783

Petition for review denied

**WELLES (LEE) v.
LOWITSCH (MARCEL)**

S280789

Petition for review denied

**WELLES (LEE) v.
HUELSBUGER (LAURA)**

S280819

Petition for review denied

**KEVORKIAN (ANTRANIK) v.
LOS ANGELES COUNTY
SHERIFFS DEPARTMENT**

S280835 C098751 Third Appellate District

Petition for review denied

**PEOPLE v. MYERS
(CHRISTOPHER)**

S280839 C095606 Third Appellate District

Petition for review denied

**NATIONWIDE INSURANCE
COMPANY OF AMERICA v.
TIPTON (FRAYBA)**

S280842 H047905 Sixth Appellate District

Petition for review denied

**PEOPLE v. ESCOBAR
(MICHAEL ANGELO)**

S280844 B329887 Second Appellate District, Div. 6

Petition for review & application for stay denied

**GENIS (DARRYL WAYNE) v.
S.C. (GENIS)**

S280852 B329584 Second Appellate District, Div. 6

Petition for review denied

**CHOUEST, JR., (WILSON
CLAUDE) ON H.C.**

S280861 B324193 Second Appellate District, Div. 4

Petition for review denied

**AGUILERA (JAVIER
ALFREDO) ON H.C.**

S280864 F086443 Fifth Appellate District

Petition for review denied

**MILES (JIMMY LEE) ON
H.C.**

S280869 C096365 Third Appellate District

Petition for review denied

**KING (TED ARTHUR) v.
TARVER (RUSSELL LEE)**

S280874 C095592 Third Appellate District

Petition for review denied

**PEOPLE v. CALDWELL
(ADAM JAY)**

S280878 B316427 Second Appellate District, Div. 8
Petition for review denied

PEOPLE v. SIERRA (LARRY)

S280894 G061077 Fourth Appellate District, Div. 3
Petition for review denied

**PEOPLE v. OCEGUEDA
(DARRICK PATRICK)**

S280906 B309151/B309148/B309153/B309155/B312949
Second Appellate District, Div. 1

**LOS ANGELES
WATERKEEPER v. STATE
WATER RESOURCES
CONTROL BOARD;
REGIONAL WATER
QUALITY CONTROL
BOARD, LOS ANGELES
REGION (CITY OF
BURBANK)**

Petition for review denied

S280914 C095006 Third Appellate District

**BROWN (ESSEX WAYNE) v.
SACRAMENTO RIVER CATS
BASEBALL CLUB, LLC**

Petition for review denied

S280919 F084439 Fifth Appellate District

**TULARE LAKE CANAL
COMPANY v. SANDRIDGE
PARTNERS L.P.**

Petition for review denied

S280948 A167715 First Appellate District, Div. 4

**HERNANDEZ (MANUEL
MONTANO) ON H.C.**

Petition for review denied

S280961 A163761 First Appellate District, Div. 1

**PEOPLE v. WAQA (RUSIATE
KOLILOA)**

Petition for review denied

S280970	E070676 Fourth Appellate District, Div. 2	PEOPLE v. LAMPE (TRACEY CHARLES)
Petition for review denied		
S280973	F084263 Fifth Appellate District	PEOPLE v. CHAPA (ANGEL MIKE)
Petition for review denied		
S280975	B312111 Second Appellate District, Div. 5	PEOPLE v. DE LA CRUZ (JOSE)
Petition for review denied		
S280981	C098690 Third Appellate District	HARPER (DANIEL) ON H.C.
Petition for review denied		
S280986	A167896 First Appellate District, Div. 4	WHITE (JAVON) v. S.C. (PEOPLE)
Petition for review denied		
S280991	C095682 Third Appellate District	PEOPLE v. ALCANTAR (ROBERTO)
Petition for review denied		
S280994	C096039 Third Appellate District	PEOPLE v. KNECHT (GABRIEL ANDREW)
Petition for review denied		
S280996	C096080 Third Appellate District	PEOPLE v. WILSON (PHILLIP)
Petition for review denied		
S281002	B320573 Second Appellate District, Div. 3	PEOPLE v. DEVAULT (LAMONT)
Petition for review denied		

S281006 B318416 Second Appellate District, Div. 3

**PEOPLE v. MURPHY
(GEORGE DEON)**

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.

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

S281007 A165296 First Appellate District, Div. 1

**PEOPLE v. CARRILLO
(FRANCISCO)**

Petition for review denied

S281008 A166210 First Appellate District, Div. 3

**GARCIA (ABEL) v. S.C.
(PEOPLE)**

Petition for review denied

S281021 F084421 Fifth Appellate District

**PEOPLE v. SALLY III
(WALTER)**

Petition for review denied

S281032 C097073 Third Appellate District

**PEOPLE v. SCHUYLER
(EDDIE LEON)**

Petition for review denied

S281046 C094270 Third Appellate District

**PEOPLE v. HAWKYARD
(WILLIAM ROBERT)**

Petition for review denied

S281051 C095823 Third Appellate District

**PEOPLE v. ZAVALA (EDGAR
BRINGAS)**

Petition for review denied

S281067 B318911 Second Appellate District, Div. 6

**PEOPLE v. GAUTIER (TIM
RAY)**

Petition for review denied

S281208**SINGH (RAGHVENDRA) v.
S.C. (PEOPLE)**

Petition for writ of mandate/prohibition & application for stay denied

S281273 B330423 Second Appellate District, Div. 6**MANNING (SWEETER) v.
S.C. (WALMART INC.)**

Petition for review & application for stay denied

S281449 C099075 Third Appellate District**JOHNSON (CHRISTIAN L.) v.
S.C. (DEPARTMENT OF
TRANSPORTATION)**

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

S279550**GARRETT (CRAIG K.) ON
H.C.**

Petition for writ of habeas corpus denied

S279782**THOMPSON (SEKOU
KWANE) ON H.C.**

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].)

S280042**BAUMER (WILLIAM) ON
H.C.**

Petition for writ of habeas corpus denied

S280067**FOWLER, JR., (CHARLES
BENJAMIN) ON H.C.**

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 Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S280081**RODRIGUEZ, JR.,
(ERLINDO) ON H.C.**

Petition for writ of habeas corpus denied

S280088**GARRETT (CRAIG K.) ON
H.C.**

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

S280110**THOMPSON (SEKOU
KWANE) 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].)

S280147**MARTIN (COLE BRADLEY)
ON H.C.**

Petition for writ of habeas corpus denied

S280184**ARCHULETA (DAVID C.) ON
H.C.**

Petition for writ of habeas corpus denied

S280188**VALENZUELA (JACOB) ON
H.C.**

Petition for writ of habeas corpus denied

S280226**LEWIS (DONALD RAY) ON
H.C.**

Petition for writ of habeas corpus denied

S280237**FACUNDO (MAX) ON H.C.**

Petition for writ of habeas corpus denied

S280294**WILSON (EDWARD GENE)
ON H.C.**

Petition for writ of habeas corpus denied

S280311**RODRIGUEZ (PEDRO) ON
H.C.**

Petition for writ of habeas corpus denied

S280317**FRAZIER (ERIC
ALEXANDER) ON H.C.**

The petition for writ of habeas corpus is denied. (See Pen. Code, § 745, subd. (j)(3).)

S280333**BOYKINS (JAMES EARL) ON
H.C.**

Petition for writ of habeas corpus denied

S280921**JENKINS (ALONZO) ON H.C.**

Petition for writ of habeas corpus denied

S280990**RODRIGUEZ (PEDRO) ON
H.C.**

Petition for writ of habeas corpus denied

S281163**RODRIGUEZ (PEDRO) 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].)**S281164****RODRIGUEZ (PEDRO) ON
H.C.**

Petition for writ of habeas corpus denied

S281230**HUTCHINSON (ANTONIO
DONTREL) ON H.C.**

Petition for writ of habeas corpus denied

S281248**ALLEN (HERBERT O.) ON
H.C.**

Petition for writ of habeas corpus denied

S281287**ROARK II (ROBERT LEE)
ON H.C.**

Petition for writ of habeas corpus denied

S280107 B316079 Second Appellate District, Div. 7**RICE (ROBERT) v.
GULFSTREAM AEROSPACE
CORPORATION**

Publication request denied (case closed)

S280444 D079065/D079435 Fourth Appellate District, Div. 1**PEOPLE v.
GONZALEZ-BUTTNER
(ANNETTE)**

Publication request denied (case closed)

S280457 B318325/B321996 Second Appellate District, Div. 1 **MINSER, JR., (DAVID C.) v.
COLLECT ACCESS, LLC**

The request for an order directing publication of the opinion in the above-entitled appeal is denied as moot.

S280776 E078721 Fourth Appellate District, Div. 2**PEOPLE v. SCOTT (THOMAS
RYAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 29, 2023.

S280810 H051019 Sixth Appellate District**GARCIA (CALISTA
ANNETTE) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 29, 2023.

S280815 C095177 Third Appellate District**MUNROE (CHRISTEN) v.
CITY OF TRACY**

The time for granting or denying review in the above-entitled matter is hereby extended to September 29, 2023.

S280823 B310012 Second Appellate District, Div. 3 **BRAINANGKUL
(POONSOOK) v. SELECT
PORTFOLIO SERVICING,
INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to September 29, 2023.

S280830 A163054 First Appellate District, Div. 4 **CAMPANA (JAYNIE) v. EAST
BAY MUNICIPAL UTILITY
DISTRICT**

The time for granting or denying review in the above-entitled matter is hereby extended to October 3, 2023.

S280832 B317957 Second Appellate District, Div. 1 **DE WITTE MORTGAGE
INVESTORS FUND, LLC v.
CARRADINE (SANDRA
WILL)**

The time for granting or denying review in the above-entitled matter is hereby extended to September 29, 2023.

S280866 A168120 First Appellate District, Div. 5 **BMW OF NORTH AMERICA,
LLC v. S.C. (BACIGALUPI)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 6, 2023.

S280867 H048021/H048084 Sixth Appellate District **BORJON AUTO CENTER
KING CITY, INC. v. SENTRY
SELECT INSURANCE
COMPANY**

The time for granting or denying review in the above-entitled matter is hereby extended to October 6, 2023.

S280875 A163369 First Appellate District, Div. 1 **CSHV 1999 HARRISON, LLC
v. COUNTY OF ALAMEDA**

The time for granting or denying review in the above-entitled matter is hereby extended to October 6, 2023.

S280879 C094470 Third Appellate District

**SOUZA (HARVEY F.) v.
CALIFORNIA GAMBLING
CONTROL COMMISSION**

The time for granting or denying review in the above-entitled matter is hereby extended to October 9, 2023.

S280890 A166079 First Appellate District, Div. 4

**WASHINGTON (LISA) v.
WASHINGTON (JOSEPH
LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 9, 2023.

S280946 B328779 Second Appellate District, Div. 8

**QUON (SUSIE) v. S.C. (CITY
OF INGLEWOOD)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 11, 2023.

S280947 B328783 Second Appellate District, Div. 8

**BHALLA (DEV ANAND) v.
S.C. (CITY OF INGLEWOOD)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 11, 2023.

S280954 A167632 First Appellate District, Div. 4

**ZINNERMAN (BRIANA N.) v.
ZINNERMAN (CHARLES)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 12, 2023.

S280966 A166898 First Appellate District, Div. 4

**HASTINGS COLLEGE
CONSERVATION
COMMITTEE v. FAIGMAN
(DAVID)**

The time for granting or denying review in the above-entitled matter is hereby extended to October 12, 2023.

S093944**PEOPLE v. BERTSCH (JOHN ANTHONY) & HRONIS (JEFFERY LEE)**

Extension of time granted

Based upon counsel Alex Coolman's representation that appellant John Anthony Bertsch's reply brief is anticipated to be filed by December 22, 2023, an extension of time to serve and file that brief is granted to October 23, 2023. After that date, only one further extension totaling about 60 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)(A)(ii) & (B)(ii).)

S178239**PEOPLE v. HARRIS (KAI)**

Extension of time granted

Based upon Supervising Deputy Attorney General Kathy S. Pomerantz's representation that the supplemental respondent's brief is anticipated to be filed by January 31, 2024, an extension of time in which to serve and file that brief is granted to October 27, 2023. After that date, only two further extensions totaling about 96 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).)

S207945**PEOPLE v. CANALES (OSMAN ALEX)**

Extension of time granted

Based upon counsel Patricia A. Scott's representation that the appellant's reply brief is anticipated to be filed by April 1, 2024, an extension of time in which to serve and file that brief is granted to October 23, 2023. After that date, only three further extensions totaling about 161 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).)

S246087**PEOPLE v. HUNTER (LORRAINE ALISON)**

Extension of time granted

Based upon Deputy Attorney General Elizabeth M. Kuchar's representation that the respondent's brief is anticipated to be filed by September 25, 2023, an extension of time in which to serve and file that brief is granted to September 25, 2023. After that date, no further extension is contemplated.

S249343**PEOPLE v. AGUIRRE
(ISAURO)**

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 30, 2023.

S280018 H049646 Sixth Appellate District**CAPITO (TAYLOR) v. SAN
JOSE HEALTHCARE
SYSTEM LP**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to September 25, 2023.

S280096**DAVIS (DOYLE WAYNE) 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 September 25, 2023.

S279380**TAYLOR (BEVERLY) ON
CLEMENCY**

Motion to file document under seal granted

The Governor's "Motion to Seal Clemency Record" is granted. The Clerk of this court is directed to file under seal the unredacted version of the Commutation File of Beverly Taylor, lodged conditionally under seal in this court on June 16, 2023, and to file the redacted / public version of the Commutation File of Beverly Taylor, as received by the court on that date. (Cal. Rules of Court, rule 8.46.)

The court hereby finds that on the facts of this case overriding interests exist that overcome the right of public access to these records, to wit, interests as set forth in this court's Administrative Order 2021-05-26; these overriding interests support sealing the records; a substantial probability exists that the overriding interests will be prejudiced if the records are not sealed; the proposed sealing is narrowly tailored; and no less restrictive means exist to achieve the overriding interests. (Cal. Rules of Court, rules 2.550(d)-(e), 8.46(d)(6).) The Clerk shall make the redacted / public version of the record available for public inspection upon request.

S279936

Petition denied

(accusation)

ACCUSATION OF SHAHALI

S279937

Petition denied

(accusation)

ACCUSATION OF SHAHALI

S280700

Petition denied

(accusation)

**ACCUSATION OF
GRIGORIAN**

S280744

Petition denied

(accusation)

**ACCUSATION OF
INOCENCIO**

S280798

Petition denied

(accusation)

ACCUSATION OF CARTER