

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 2, 2024
SAN FRANCISCO, CALIFORNIA**

S286297 H050122 Sixth Appellate District

**PEOPLE v. COFER
(CHRISTOPHER LEE)**

Petition for review granted

The petition for review is granted.

Pending review, the opinion of the Court of Appeal, which is currently published at 103 Cal.App.5th 333, may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict. (See *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion*, Administrative Order 2021-04-21; Cal. Rules of Court, rule 8.1115(e)(3) and corresponding Comment, par. 2.)

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

S286371 B329800 Second Appellate District, Div. 2

**PEOPLE v. ESQUIVIAS
(MIGUEL ALBERTO)**

Petition for review granted

The petition for review is granted.

Pending review, the opinion of the Court of Appeal, which is currently published at 103 Cal.App.5th 969, may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict. (See *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion*, Administrative Order 2021-04-21; Cal. Rules of Court, rule 8.1115(e)(3) and corresponding Comment, par. 2.)

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

S286493 A166435 First Appellate District, Div. 1**PEOPLE v. MORGAN
(HENRY)**

Petition for review granted

The petition for review is granted.

Pending review, the opinion of the Court of Appeal, which is currently published at 103 Cal.App.5th 488, may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict. (See *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion*, Administrative Order 2021-04-21; Cal. Rules of Court, rule 8.1115(e)(3) and corresponding Comment, par. 2.)

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

S179826**PEOPLE v. CAIN (ANTHONY
DEONDREA)**

Supplemental briefing ordered

If appellant contends any changes in the law (including any ameliorative statute) since the filing of the supplemental reply brief are relevant to this appeal, appellant shall serve and file a supplemental opening brief not to exceed 50 pages on or before November 18, 2024, addressing those changes and their relevance to this case. 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.

S286387 D083338 Fourth Appellate District, Div. 1**PEOPLE v. TITUS (BILLY
LOUIS)**

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. Rhodius*, S283169 (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.

S286527 G063586 Fourth Appellate District, Div. 3 **PEOPLE v. HERNANDEZ
(RAYMOND EDWARD)**

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. Montgomery*, S284662 (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.

S286557 B327348 Second Appellate District, Div. 6 **SALAMI (FARZAM) v. LOS
ROBLES REGIONAL
MEDICAL CENTER**

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 *Capito v. San Jose Healthcare System*, S280018 (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. The request for an order directing depublication of the opinion is denied. Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S286631 E081552 Fourth Appellate District, Div. 2 **PEOPLE v. LOPEZ (JOSE
MARTIN)**

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. Patton*, S279670 (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.

S286668 B323462 Second Appellate District, Div. 3 **PEOPLE v. HARRIS (BRYAN)**
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. Lopez*, S281488 (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.

S283191**WROTEN (DAVID RAY) ON
H.C.**

Order to show cause issued; returnable in Court of Appeal, Second Appellate District, Division Two

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause, returnable before the Court of Appeal, Second Appellate District, Division Two, why relief should not be granted on the ground petitioner's attempted murder conviction in count five is invalid pursuant to *People v. Canizales* (2019) 7 Cal.5th 591 and *People v. Mumin* (2023) 15 Cal.5th 176. The return must be served and filed on or before November 1, 2024.

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

S283832**SEMIEN (ANTHONY
MARVELL) ON H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause, returnable before the Yolo County Superior Court, why petitioner is not entitled to relief under Penal Code section 745, subdivision (a) based on his claims that the prosecutor's exercise of a peremptory challenge against the sole Black juror on the jury venire, and the prosecutor's statements justifying the challenge, violated the Racial Justice Act. The return must be served and filed on or before November 1, 2024.

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

S286256 B339107 Second Appellate District, Div. 5 **DAVIS (DENNIS L.) ON H.C.**

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

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Five. That court is ordered to vacate its summary denial dated July 19, 2024, and is further ordered to issue an order to show cause, returnable before the Los Angeles County Superior Court. (Cal. Rules of Court, rule 8.528(d).) The Secretary of the Department of Corrections and Rehabilitation is to be ordered to show cause why the petition does not satisfy the statutory requirements for the disclosure of discovery and the appointment of counsel under the Racial Justice Act (Pen. Code, §§ 745, subd. (d), 1473, subd. (e) [providing for the disclosure of discovery upon a showing of good cause and appointment of counsel for an indigent petitioner who alleges facts that would establish a violation of the Racial Justice Act]), in light of data provided by petitioner demonstrating racial disparities in sentencing under the Three Strikes law.

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

S286443 B330027 Second Appellate District, Div. 4 **IN RE J.S.**
Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Four

The petitions for review are granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its decision and reconsider the cause in light of *In re Dezi C.* (2024) 16 Cal.5th 1112. (Cal. Rules of Court, rule 8.528(d).)
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S190636 **PEOPLE v. HALVORSEN**
(ARTHUR HANS)

Appeal abated

As indicated in a certified copy of a certificate of death, appellant Arthur Hans Halvorsen died on August 3, 2024. Accordingly, the “Motion to Abate Proceedings,” filed by appellant’s counsel on September 23, 2024, is granted. The appeal in *People v. Arthur Hans Halvorsen*, case number S190636, is permanently abated, and the Superior Court of California, County of Los Angeles is directed to enter an order to that effect in case number A030670. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

S275607 F083476 Fifth Appellate District **PEOPLE v. FIELDS**
(MAURICE LAFAY)

Transferred to Court of Appeal, Fifth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S275771 F083218 Fifth Appellate District **PEOPLE v. THORNTON**
(MATTHEW DAVID)

Transferred to Court of Appeal, Fifth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)
Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S275975 A163332 First Appellate District, Div. 1 **PEOPLE v. TOOKER**
(CHARLES)

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

The above-captioned matter is transferred to the Court of Appeal, First Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)

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

S275987 E078155 Fourth Appellate District, Div. 2 **PEOPLE v. PEREZ**
(CHRISTOPHER DANIEL)

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

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)

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

S276244 C093766 Third Appellate District **PEOPLE v. MARZETTA**
(MARKUS)

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)

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

S276746 F082378 Fifth Appellate District **PEOPLE v. ROBINSON**
(LARRY WAYNE)

Transferred to Court of Appeal, Fifth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)

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

S276842 H049194 Sixth Appellate District

PEOPLE v. CAMPOS-CERVANTES (JOEL ANTHONY)

Transferred to Court of Appeal, Sixth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)

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

S277265 C094752 Third Appellate District

PEOPLE v. GREEN (JORDAN IAN)

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider the cause in light of *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)

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

S279880 H049109 Sixth Appellate District

PEOPLE v. BUI (DIANE DO)

Dismissed and remanded to Court of Appeal, Sixth Appellate District,

Review in the above-captioned matter, which was granted and held for *People v. McCune* (2024) 16 Cal.5th 980, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S283102 H050146 Sixth Appellate District

PEOPLE v. EATON (MICHAEL SHANE)

Transferred to Court of Appeal, Sixth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider the cause in light of *People v. McCune* (2024) 16 Cal.5th 980, 1000-1001. (Cal. Rules of Court, rule 8.528(d).)

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

S283247 A164946 First Appellate District, Div. 3 **PEOPLE v. OROZCO
(FRANCISCO JAVIER)**

Dismissed and remanded to Court of Appeal, First Appellate District, Division Three

Review in the above-captioned matter, which was granted and held for *People v. McCune* (2024) 16 Cal.5th 980, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S284401 B327727 Second Appellate District, Div. 1 **PEOPLE v. ESCOBAR (MARK
ANTHONY)**

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

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and reconsider the cause in light of *People v. McCune* (2024) 16 Cal.5th 980, 1000-1001. (Cal. Rules of Court, rule 8.528(d).)

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

S284631 A167801 First Appellate District, Div. 2 **PEOPLE v. ANDREWS
(JOEHN)**

Dismissed and remanded to Court of Appeal, First Appellate District, Division Two

Review in the above-captioned matter, which was granted and held for *People v. McCune* (2024) 16 Cal.5th 980, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S286009 A170798 First Appellate District, Div. 4 **BAKER (KEVIN) v. S.C.
(PEOPLE)**

The petition for review is denied.

(See Concurring Statement by Evans, J.; joined by Corrigan, Liu, Kruger, Groban, and Jenkins, JJ.)

Concurring Statement by Justice Evans

Pursuant to recent amendments, Penal Code section 1172.1 indicates that, “at any time,” “[r]ecall and resentencing under this section may be initiated by the original sentencing judge, a judge designated by the presiding judge, or any judge with jurisdiction in the case.” (Pen. Code, § 1172.1, subd. (a)(1); Stats. 2023, ch. 446, § 2.) Defendants, although not expressly permitted to initiate recall and resentencing themselves, may nonetheless be able to “invite” the court to exercise its discretionary powers. (Cf. *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497; *People v. Carmony* (2004) 33 Cal.4th 367, 375 [“A defendant has no right to make a motion, and

the trial court has no obligation to make a ruling, under [Penal Code] section 1385. But he or she does have the right to ‘invite the court to exercise its power’ ”.) Here, defendant Kevin Baker contends that the San Mateo County Superior Court enacted, as an invalid local rule, a “policy” of blanket denials of defendant-initiated section 1172.1 petitions.

On the current record, denial is appropriate. Superior courts have statutory discretion whether to grant relief on Penal Code section 1172.1 recall and resentencing petitions. The record here is, at best, ambiguous that respondent court adopted a policy that interfered with sentencing judges’ authority to grant such relief on their own motion. However, to the extent the superior court established a policy simply not to review any Penal Code section 1172.1 petitions at all, such policy would contravene legislative mandates.

As the Attorney General concedes, if the record had more clearly suggested that the court may have adopted a limitation on the sentencing court’s discretionary “own motion” authority under Penal Code section 1172.1, subdivision (a)(1), then “the proper remedy would be to grant review and transfer to the Court of Appeal with directions for that court to allow the superior court the opportunity to provide an informal response explaining and clarifying the nature and scope of any policy.” Although review may not be warranted here, any policy that would interfere with a sitting sentencing judge’s ability to receive notice of, or to act upon, a defendant-initiated invitation to recall and resentence under section 1172.1, subdivision (a)(1) would raise significant concerns.

EVANS, J.

We Concur:

CORRIGAN, J.

LIU, J.

KRUGER, J.

GROBAN, J.

JENKINS, J.

S286098 F086185 Fifth Appellate District

**BAREFOOT (JOAN MAURI)
v. JENNINGS (JANA SUSAN)**

The application to appear as counsel pro hac vice is granted. (Cal. Rules of Court, rule 9.40(a).)

The petition for review is denied.

The request for an order directing publication of the opinion is denied.

S286135 C098169 Third Appellate District

**SMITH (KATHLEEN) v.
MYERS (EMMA)**

Petition for review denied

S286136	B334585 Second Appellate District, Div. 2	PEOPLE v. EVANS (DWIGHT)
Petition for review denied		
S286158	F087380 Fifth Appellate District	AMERICAN CLAIMS MANAGEMENT v. WORKERS' COMPENSATION APPEALS BOARD & MEJIA (JOSE)
Petition for review denied		
S286179	B330528 Second Appellate District, Div. 3	PEOPLE v. CRUZ (JOVANI)
Petition for review denied		
S286202	B331039 Second Appellate District, Div. 8	PEOPLE v. WASHINGTON (DARNELL)
Petition for review denied		
S286209	G060819/G061168 Fourth Appellate District, Div. 3	WIESE (JILL & GRANT K.), MARRIAGE OF
Petition for review denied		
S286228	B331359 Second Appellate District, Div. 1	HELFET (ANDREW) v. MOTIVE ENERGY, INC.
Petition for review & publication request(s) denied		
S286298	E082233 Fourth Appellate District, Div. 2	AVILA (GABRIEL LOUIS) ON H.C.
Petition for review denied		
S286316		PEOPLE v. PRYOR (MICHAEL EFTON)
Petition for review denied		

S286321 A166676 First Appellate District, Div. 4

**TAIT (MARTIN) v.
COMMONWEALTH LAND
TITLE INSURANCE
COMPANY**

Petition for review & depublication request(s) denied

S286360 B339506 Second Appellate District, Div. 7

**LASSEVILLE (EDWARD) v.
S.C. (IMMIGRANT RIGHTS
DEFENSE COUNCIL, LLC)**

The request for judicial notice is granted.

The petition for review is denied.

S286370 E081334 Fourth Appellate District, Div. 2

**PEOPLE v. NUNN (SHAKIR
OMARI)**

Petition for review denied

S286412 F087058 Fifth Appellate District

**REEVES (ALISHA M. &
WADE R.), MARRIAGE OF**

Application to transfer denied

The petition to transfer cause F087058, currently pending before the Court of Appeal, Fifth Appellate District, to this court for decision is denied.

S286416 B301638 Second Appellate District, Div. 1

JENKINS (JASMINE) ON H.C.

Petition for review denied

S286428 D082227 Fourth Appellate District, Div. 1

**PEOPLE v. BUCARO (JUAN
ALBERTO)**

Petition for review denied

S286458 F085990 Fifth Appellate District

**PEOPLE v. ROCHA
(HECTOR JOAQUIN)**

Petition for review denied

S286480 B324260 Second Appellate District, Div. 1

**SHIA (GUNTHER & LILY),
MARRIAGE OF**

Petition for review denied

S286484 H052307 Sixth Appellate District

Petition for review denied

**TAYLOR (KENT) v. LAU
(JOHN)**

S286492 H049016 Sixth Appellate District

Petition for review denied

**RODRIGUEZ (MARIO) v. S.C.
(PEOPLE)**

S286511 E079519 Fourth Appellate District, Div. 2

Petition for review denied

Liu and Evans, JJ., are of the opinion the petition should be granted.

**BRAMIT (MICHAEL
LAMAR) ON H.C.**

S286512 F086368 Fifth Appellate District

Petition for review denied

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

**PEOPLE v. RODRIGUEZ
(NANCY)**

S286516 G063285 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GONZALEZ
(ALFREDO DELACRUZ)**

S286525 F087710 Fifth Appellate District

Petition for review denied

MURO (KIRK) ON H.C.

S286526 F085944 Fifth Appellate District

Petition for review denied

**PEOPLE v. MURO (KIRK
ELLIOTT)**

S286533 A168222 First Appellate District, Div. 4

Petition for review denied

IN RE S.W.

S286536 H050914 Sixth Appellate District

Petition for review denied

**PEOPLE v. GARCIA
(VICTOR MEDINA)**

S286537 E080840 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ANDREWS
(SOLOMON)**

S286543 A163868 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. VERETTE
(MICHAEL RAYMOND)**

S286548 B339735 Second Appellate District, Div. 4

Petition for review denied

MODA (KEVIN) v. S.C. (DIBA)

S286560 E080881 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BROWN (JESSIE
JAMES)**

S286567 B332973 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. FERRILL
(JASON)**

S286569 D081032 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. LOPEZ (MARIO
ARMANDO)**

S286572 B332630 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. RUIZ (LAURO
DAVID)**

S286580 C101734 Third Appellate District

Petition for review denied

**MARSALA (JOSEPH) v. S.C.
(PEOPLE)**

S286581 D082186 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CASTILLO
(MIGUEL ANGEL)**

S286582	G062182 Fourth Appellate District, Div. 3	PEOPLE v. CARLSTROM, JR., (STEPHEN PAUL)
Petition for review denied		
S286586	B330169 Second Appellate District, Div. 6	PEOPLE v. HUGHES (BRENICE)
Petition for review denied		
Liu and Evans, JJ., are of the opinion the petition should be granted.		
S286592	E083936 Fourth Appellate District, Div. 2	K&N ENGINEERING ARCH INDEMNITY INSURANCE v. WORKERS' COMPENSATION APPEALS BOARD & RODRIGUEZ (JANETH)
Petition for review denied		
S286593	F085965 Fifth Appellate District	PEOPLE v. PACHECO (RAUL)
Petition for review denied		
S286595	B255829/B258567 Second Appellate District, Div. 1	ENG (EDWARD J.), ESTATE OF
Petition for review denied		
S286597	B327836 Second Appellate District, Div. 5	IN RE S.V.
Petition for review denied		
S286616	B327955 Second Appellate District, Div. 5	PEOPLE v. HOUT (BORAN)
Petition for review denied		
Liu and Evans, JJ., are of the opinion the petition should be granted.		
S286629	B323029 Second Appellate District, Div. 7	PEOPLE v. SANCHEZ (LESTER RENE)
Petition for review denied		

S286632 B329792 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. LOPEZ
(MICHAEL SANTILLAN)**

S286634 A167166 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. JONES
(DARRELL RENA)**

S286635 F082631 Fifth Appellate District

Petition for review denied

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

**PEOPLE v. BREWER
(ROBERT CRAIG)**

S286639 B330248 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. LLAMAS
(VICTOR JOSE)**

S286647 H047777 Sixth Appellate District

Petition for review denied

**PEOPLE v. JORDAN
(ERNEST)**

S286648 B331022 Second Appellate District, Div. 8

Petition for review denied

PEOPLE v. SONG (JAMES)

S286649 B334298 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. THOMAS, JR.,
(GREGORY ROMEL)**

S286650 F088390 Fifth Appellate District

**POSLOF, JR., (LONNIE LEE)
v. ALLEN (TRENT)/
(CALIFORNIA
DEPARTMENT OF
CORRECTIONS &
REHABILITATION)**

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

S286653 B326779 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. BOYD (TERRI DEE)

S286655 B325677 Second Appellate District, Div. 4

Petition for review denied

PEOPLE v. GARCIA (JOVANI)

S286674 G062591 Fourth Appellate District, Div. 3

The request for judicial notice of Exhibits 1, 2 and 3 is granted. The request for judicial notice of Exhibit 4 is granted only concerning the fact that the article was published and not concerning the factual statements contained therein.

The petition for review is denied.

CHODOSH (FLOYD) v. SAUNDERS (JOHN)

S286676 A166521 First Appellate District, Div. 2

Petition for review denied

KEELER-HODGETTS (KATHERINE) v. TSUKROFF (BRANDON)

S286685 B329379 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. SANCHEZ-SALMERON (JAVIER)

S286760 B339505 Second Appellate District, Div. 4

Petition for review denied

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

DRAFTKINGS, INC. v. S.C. (HERMALYN)

S286792 B339543 Second Appellate District, Div. 3

The applications to appear as counsel pro hac vice are granted. (Cal. Rules of Court, rule 9.40(a).)
The petition for review and application for stay are denied.

F. (M.) v. S.C. (CULTURAL CARE, INC.)

S287030**EMERT (ROBERT) v. COURT
OF APPEAL, FOURTH
APPELLATE DISTRICT,
DIVISION ONE (SCHUCK)**

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

S281542**RIVAS (DANIEL) 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) and requests the appointment of counsel. In this respect, petitioner claims he was charged and sentenced in a more severe manner than similarly situated individuals of different races, ethnicities, and national origins.

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 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 to support a claim that petitioner was charged, convicted, or sentenced in a more severe manner than similarly situated individuals of other races, ethnicities, or national origins. 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.

S282015**BROWN (TERRENCE
FREDERICK) ON H.C.**

Petition for writ of habeas corpus denied

S283727**JENKINS, JR., (ROBERT
LEE) ON H.C.**

Petition for writ of habeas corpus denied

S284085**MARTIN (EDWIN LAMAR)
ON H.C.**

Petition for writ of habeas corpus denied

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

S284452**BAPTISTE (KENNETH
EMANUEL) ON H.C.**

The petition for writ of habeas corpus is denied as moot.

S284455**BURTON (ERIC WILTON)
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) and requests appointment of counsel. In this respect, petitioner claims the prosecutor exhibited racial bias during voir dire by using a peremptory challenge to excuse an African American juror. 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.

S284619**VILLALOBOS (JORGE
ERNESTO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *Barnett v. Superior Court* (2010) 50 Cal.4th 890, 899.)

S284835**ROBINSON (GARETH
WARREN) ON H.C.**

The request for judicial notice is granted.
The petition for writ of habeas corpus is denied.

S284852**LAWHEAD III (JAMES
EARL) ON H.C.**

Petition for writ of habeas corpus denied

S284895**EL-SHADDAI (ADONAI) ON
H.C.**

Petition for writ of habeas corpus denied

S284989**SILVA (KEITH ALLEN) 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 Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

S285050**MOOR (VIRGINIA
ERNESTINA) ON H.C.**

Petition for writ of habeas corpus denied

S286004**CROSS (GEORGE EUGENE)
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].) Individual claims are denied, as applicable: (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].)

S152463**PEOPLE v. HILL (IVAN J.)**

Extension of time granted

Based upon counsel Senior Deputy State Public Defender Gary D. Johnston's representation that the appellant's reply brief is anticipated to be filed by June 10, 2025, an extension of time in which to serve and file that brief is granted to December 9, 2024. After that date, only three further extensions totaling about 183 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).)

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 December 9, 2024. After that date, only three further extensions totaling about 127 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).)

S224393**PEOPLE v. HARTS (TYRONE
LEVOID)**

Extension of time granted

Upon application of counsel Rudolph J. Alejo, an extension of time in which to serve and file appellant's opening brief is granted to December 2, 2024. The court anticipates that after that date, only one further extension totaling about 59 additional days will be granted.

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).)

S239380**PEOPLE v. SANCHEZ
(GILBERT BERNARD)**

Extension of time granted

Based on counsel Senior Deputy State Public Defender Andrea Asaro's representation that the appellant's opening brief is anticipated to be filed by November 18, 2024, an extension of time in which to serve and file that brief is granted to November 18, 2024. After that date, no further extension 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).)

S285579**VARGAS ON DISCIPLINE**

Extension of time granted – FERNANDO EMMANUEL VARGAS

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the petition for review is extended to October 14, 2024.

S286267 D083446/D083475 Fourth Appellate District, Div. 1 **SNAP, INC. v. S.C. (PINA)**
Extension of time granted

On application of Meta Platforms, Inc. and Snap, In. and good cause appearing, it is ordered that the time to serve and file the opening briefs on the merits is extended to November 18, 2024.

S285731

**KRENTZKY (ALLAN) 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 Allan Krenitzky, lodged conditionally under seal in this court on September 13, 2024, and to file the redacted / public version of the Commutation File of Allan Krenitzky, 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.

S287170

**MARTINEZ (GABRIEL JOE)
v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Fifth Appellate District

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

S285701

**ACCUSATION OF
LaMONICA**

Petition denied (accusation)

S286231

ACCUSATION OF WAPNICK

Petition denied (accusation)

S286247

Petition denied

(accusation)

ACCUSATION OF NIETO

S286660

Petition denied

(accusation)

**ACCUSATION OF
BROADHEAD**