

**SUPREME COURT MINUTES
WEDNESDAY, NOVEMBER 1, 2023
SAN FRANCISCO, CALIFORNIA**

S281717 E072704 Fourth Appellate District, Div. 2 **WOODWORTH (NICOLE) v.
LOMA LINDA UNIVERSITY
MEDICAL CENTER**

Petition for review granted; briefing deferred

Defendant's petition for review is granted. Further action in this matter is deferred pending consideration and disposition of related issues in *Estrada v. Royalty Carpet Mills, Inc.*, S274340 and *Camp v. Home*, S277518 (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.

Plaintiff's petition for review is denied. The request for an order directing depublication of the opinion is denied.

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

S281746 G060920 Fourth Appellate District, Div. 3 **MORAN (GENE) v. PRIME
HEALTHCARE
MANAGEMENT, INC.**

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.

S281785 C096700 Third Appellate District **PEOPLE v. LEE (DAWN
THERESA)**

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. Mitchell*, S277314 (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.

S281956 A165985 First Appellate District, Div. 3**PEOPLE v. CLARK (JAMES 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 *People v. Hardin*, S277487 (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.

S282031 E080543 Fourth Appellate District, Div. 2**PEOPLE v. JACKSON (STANLEY RUSSELL)**

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. Hardin*, S277487 (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.

S282046 D080414 Fourth Appellate District, Div. 1**PEOPLE v. ALLAN (TRISTAN DARNELL)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Emanuel*, S280551 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

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

S281737 H050986 Sixth Appellate District**MOUSTAFA (AHMAD) ON H.C.**

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. That court is ordered to issue an order to show cause, returnable before the Santa Clara County Superior Court. The Secretary of the Department of Corrections and Rehabilitation is to be ordered to show cause why petitioner is not entitled to relief based on the ground that trial counsel rendered ineffective assistance by failing to investigate petitioner's mental health, which prevented the trial court's

proper evaluation of the admissibility of petitioner's police statement, impeded the trial court's assessment of the jury trial waiver, and forestalled counsel's obligation to explore a plea agreement, and that these omissions were cumulatively prejudicial. (Cal. Rules of Court, rule 8.528(d).) The court is further ordered to consolidate the order to show cause with the related order to show cause issued on August 3, 2023.

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

S282109 G062878 Fourth Appellate District, Div. 3 **NGUYEN (TOAN) v. BUFFA (JACK)**

Review granted on the court's own motion; transferred to Court of Appeal, Fourth Appellate District, Division Three

At the request of the Court of Appeal, review is ordered on this court's own motion. The cause is transferred to the Court of Appeal, Fourth Appellate District, Division Three, for further proceedings. (Cal. Rules of Court, rule 8.528(d).)

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

S274469 B290567 Second Appellate District, Div. 4 **PEOPLE v. BALLARDO (VICTOR)**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Four

Review in the above-captioned matter, which was granted and held for *Camacho v. Superior Court* (2023) 15 Cal.5th 354, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S274569 B319328 Second Appellate District, Div. 4 **JOHNSON (CAMERON) v. S.C. (PEOPLE)**

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

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its order denying the petition for writ of mandate and to reconsider the matter in light of *Camacho v. Superior Court* (2023) 15 Cal.5th 354. (Cal. Rules of Court, rule 8.528(d).)

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

S278255 A163611 First Appellate District, Div. 4 **PEOPLE v. SIPE (HOWARD SYLVESTER)**

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

Review in the above-captioned matter, which was granted and held for *Camacho v. Superior Court* (2023) 15 Cal.5th 354, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S278810 D077636 Fourth Appellate District, Div. 1 **PEOPLE v. HUBBS (NORMAN JAMES)**

Transferred to 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 *Camacho v. Superior Court* (2023) 15 Cal.5th 354. (Cal. Rules of Court, rule 8.528(d).)

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

S278937 B326098 Second Appellate District, Div. 2 **VIE DE FRANCE YAMAZAKI, INC. v. S.C. (ALVARADO)**

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

In view of petitioner's Notice of Withdrawal of Petition for Review, filed October 16, 2023, following this court's decision in *Kuciemba v. Victory Woodworks* (2023) 14 Cal.5th 993, review in this matter is dismissed.

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

S279933 A165304 First Appellate District, Div. 4 **KERINS (BRIAN) ON H.C.**

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

Review in the above-captioned matter, which was granted and held for *Camacho v. Superior Court* (2023) 15 Cal.5th 354, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S281144 H047743 Sixth Appellate District **PEOPLE v. HOWARD (JERRY ALLEN)**

Dismissed and remanded to Court of Appeal, Sixth Appellate District

Review in the above-captioned matter, which was granted and held for *Camacho v. Superior Court* (2023) 15 Cal.5th 354, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S271564 A159609 First Appellate District, Div. 4

Petition for review denied

**STROBEL (JO ANN) v.
JOHNSON & JOHNSON**

S280562

Petition for writ of mandate/prohibition denied

**REMSEN (LAWRENCE) v.
NEWSOM (GAVIN)**

S281498 H048613 Sixth Appellate District

The applications to appear as counsel pro hac vice are granted. (Cal. Rules of Court, rule 9.40(a).) Petitioners' requests to file the petition for review and reply under seal are granted. (Cal. Rules of Court, rules 2.550, 8.46(b).) In ordering the sealing, this court makes the findings required by California Rules of Court, rules 2.550(d) and 8.46(d)(6). The clerk of this court is directed to file the unredacted petition for review and reply under seal.
The petition for review is denied.
The request for an order directing publication of the opinion is denied.

**IN RE ALPHABET
SHAREHOLDER
DERIVATIVE CASES**

S281512 A167697 First Appellate District, Div. 4

Petition for review denied

**BERMAN (JOHN) v.
TRIBUKAIT (OLSESYA)**

S281541 F082478 Fifth Appellate District

Petition for review denied

**PEOPLE v. HIGH (GREGORY
DEAN)**

S281554 F085380 Fifth Appellate District

Petition for review denied

**PEOPLE v. RAMIREZ (JAIRO
DARIO)**

S281569 H049871 Sixth Appellate District

**STESHENKO (GREGORY) v.
FOOTHILL-DE ANZA
COMMUNITY COLLEGE
DISTRICT**

The petition for review is denied.

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

The motion to strike the unserved answer is denied as moot.

S281615 A163636/A164395 First Appellate District, Div. 1

**LAFAYETTE BOLLINGER
DEVELOPMENT, LLC v.
TOWN OF MORAGA**

Petition for review denied

S281647 B330013 Second Appellate District, Div. 2

**CURRIE (SHAWN) v. S.C.
(PEOPLE)**

Petition for review denied

S281684 H048838 Sixth Appellate District

**STESHENKO (GREGORY) v.
FOOTHILL-DE ANZA
COMMUNITY COLLEGE
DISTRICT**

The petition for review is denied.

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

The motion to consolidate is denied.

S281716 F086300/F086302 Fifth Appellate District

**W. (VALERIE) v. S.C.
(FRESNO COUNTY
DEPARTMENT OF SOCIAL
SERVICES)**

Petition for review denied

S281718 B321335 Second Appellate District, Div. 4

**PEOPLE v. WERTHEIMER
(MARK)**

Petition for review denied

S281779 F085014 Fifth Appellate District

Petition for review denied

**INFINITY SELECT
INSURANCE CO. v. S.C.
(LeDUC)**

S281784 F084380 Fifth Appellate District

Petition for review denied

**YORK (HANNA) v.
BRAMBILA (RODOLFO
ALEJANDRO)**

S281851 B325066 Second Appellate District, Div. 2
Petition for review denied

IN RE NATHEN R.

S281859 B319211 Second Appellate District, Div. 6
Petition for review denied

IN RE A.M.

S281863 B326893 Second Appellate District, Div. 7
Petition for review denied

**PEOPLE v. NICHOLS III
(JOSEPH)**

S281876 B321598 Second Appellate District, Div. 6
Petition for review denied

**PEOPLE v. RANFT
(STERLING PAUL)**

S281902 A165037 First Appellate District, Div. 2
Petition for review denied

**DIGIACOMO, JR.,
(RAYMOND VINCENT) v.
HEALTHRIGHT 360**

S281939 B321767 Second Appellate District, Div. 4
Petition for review denied

PEOPLE v. CRUZ (JOSE)

S281940 B318012 Second Appellate District, Div. 8
Petition for review denied

**S. (A.) v. PALMDALE
SCHOOL DISTRICT**

S281942 F084254 Fifth Appellate District

Petition for review denied

PEOPLE v. RUIZ (OSCAR CATALAN)

S281943 B322522 Second Appellate District, Div. 4

Petition for review denied

PEOPLE v. GRIFFIN (FREDERICK)

S281947 A166364 First Appellate District, Div. 5

Petition for review denied

PEOPLE v. CONTRERAS (EDGAR)

S281953 F084834 Fifth Appellate District

Petition for review denied

PEOPLE v. DIAZ (ANTONIO)

S281954 B321231 Second Appellate District, Div. 6

Petition for review denied

PEOPLE v. MENDOZA (CIRILO BAUTISTA)

S281958 C096054 Third Appellate District

Petition for review denied

PEOPLE v. ACKERMAN (JEREMY DALE)

S281962 D079970 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. RAMIREZ (JOSE)

S281965 E079175 Fourth Appellate District, Div. 2

Petition for review denied

PEOPLE v. BENNETT (RONALD DALE)

S281966 D081371 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. PEDRAZA (ZAGID LUJANO)

- S281968** B321615 Second Appellate District, Div. 1 **PEOPLE v. WILLIAMS
(ROBERT VINCENT)**
The motion for consolidation is denied.
The petition for review is denied.
- S281969** E077943 Fourth Appellate District, Div. 2 **PEOPLE v. HERNANDEZ
(BENJAMIN)**
Petition for review denied
- S281975** B321649 Second Appellate District, Div. 8 **PEOPLE v. QUINAREZ
(JUAN CARLOS)**
Petition for review denied
- S281981** D079730 Fourth Appellate District, Div. 1 **PEOPLE v. DOMINGUEZ
(JOSE IVAN)**
Petition for review denied
- S282005** D079931 Fourth Appellate District, Div. 1 **PEOPLE v. RODRIGUEZ
(MIGUEL ANGEL)**
Petition for review denied
- S282012** F084276 Fifth Appellate District **PEOPLE v. MONTELLANO,
JR., (ERNESTO RIVERA)**
Petition for review denied
- S282019** B316067 Second Appellate District, Div. 1 **ASSOCIATION FOR LOS
ANGELES DEPUTY
SHERIFFS v. COUNTY OF
LOS ANGELES**
The petition for review is denied.
The request for an order directing depublication of the opinion is denied.
Jenkins, J., was recused and did not participate.
- S282022** G061649 Fourth Appellate District, Div. 3 **PEOPLE v. VENEGAS
(GABRIEL LARRY)**
Petition for review denied

S282026 C097595 Third Appellate District

Petition for review denied

**PEOPLE v. LUCERO
(DOLORES MARIA)**

S282028 D080795 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ZENA
(KIIAIYONA C.)**

S282029 C099243 Third Appellate District

Petition for review denied

LOW (TONY) ON H.C.

S282032 A164606 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. DEER (JANEE
NICOLE)**

S282034 F084045 Fifth Appellate District

Petition for review denied

**PEOPLE v. MEJIA
(GERONIMO)**

S282037 A167161 First Appellate District, Div. 3

The request for judicial notice is granted.

The petition for review is denied.

**CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION v. S.C.
(BURNS)**

S282040 F083183 Fifth Appellate District

Petition for review denied

**PEOPLE v. DIAZ GOMEZ
(MARIANO)**

S282041 A163973 First Appellate District, Div. 3

Petition for review denied

**TRITON PROPERTY
INVESTMENTS, LLC v.
GEORGE (RICHARD)**

S282042 F084320 Fifth Appellate District

Petition for review denied

**PEOPLE v. HARGE
(DEMARIA CHRISTOPHER)**

S282045 E078441 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. GUZMAN
(ARTURO COLON)**

S282053 B319493/B321105 Second Appellate District, Div. 2 **PRUNCHUNAS (EDWARD &**

Petition for review denied

ELBA), MARRIAGE OF

S282067 F085815 Fifth Appellate District

Petition for review denied

**PEOPLE v. NESSLAGE
(MATTHEW RICHARD)**

S282070 A168693 First Appellate District, Div. 4

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

**BLANC (SHEILA ANN) v. S.C.
(DEUTSCHE BANK
NATIONAL TRUST
COMPANY)**

S282258 B331566 Second Appellate District, Div. 5

Petition for review & application for stay denied

**MARLER (DANISE) v. S.C.
(LOS ANGELES UNIFIED
SCHOOL DISTRICT)**

S282494 A168571 First Appellate District, Div. 5

Petition for review & application for stay denied

**NORTON, SR., (QUINCY
DEAN) v. S.C. (PEOPLE)**

S276544

Petition for writ of habeas corpus denied

MAGANA (FRANKY) ON H.C.

S278844

Petition for writ of habeas corpus denied

HUBBARD (NAKIA) ON H.C.**S279548**

Petition for writ of habeas corpus denied

Liu and Evans, JJ., are of the opinion an order to show cause should be issued.

**REMY, JR., (WILLIE JAMES)
ON H.C.****S280086**

Petition for writ of habeas corpus denied

**PAYNE (MYRON ATRICE)
ON H.C.****S280096**

Petition for writ of habeas corpus denied

**DAVIS (DOYLE WAYNE) ON
H.C.****S280483**

Petition for writ of habeas corpus denied

**GASTON (ANTHONY) ON
H.C.****S280631**

Petition for writ of habeas corpus denied

**HARLESS (FRIEDRICH
VIDAR ODINSON) ON H.C.****S280824**

Petition for writ of habeas corpus denied

**TAYLOR III (JOE ALFRED)
ON H.C.****S281135**

The petition for writ of habeas corpus is denied. 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 Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**HILL (MICHAEL ALAN
DEAN) ON H.C.**

S281139

Petition for writ of habeas corpus denied

ARAUZA (RAUL) ON H.C.**S281152**

Petition for writ of habeas corpus denied

PHILLIPPI (BRUCE) ON H.C.**S281184**

Petition for writ of habeas corpus denied

**BUCKELEW (DION SCOTT)
ON H.C.****S281187**

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].)

**KOHUT (JONATHON
JOSEPH) ON H.C.****S281188**

Petition for writ of habeas corpus denied

**SMITH (ANDREW JASON)
ON H.C.****S281196**

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

**GOMEZ (NEXIS RENE) ON
H.C.****S281226**

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]; *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].)

HILL (TONY LEE) ON H.C.**S281232**

Petition for writ of habeas corpus denied

**RAMIREZ (MARTIN
ELPIDIO PONCE) ON H.C.**

S281462**COOK (KHA'RY JE-VON) ON
H.C.**

The application for stay is denied.
The petition for writ of habeas corpus is denied.

S281823**DESILVA (MIGUEL) ON H.C.**

Petition for writ of habeas corpus denied

S282208**NIETO (JOHN MOISES) 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].)

S281425 B313911 Second Appellate District, Div. 3**KAPLAN (BEN) v. NBC
UNIVERSAL MEDIA LLC**

Publication request denied (case closed)

S281464 B325982 Second Appellate District, Div. 4**PAIGE (DERICK) ON H.C.**

Publication request denied (case closed)

S232428**PEOPLE v. PASASOUK (KA)**

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 January 5, 2024.

S239971**PEOPLE v. CHEARY
(CHRISTOPHER)**

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 January 8, 2024.

S281638**ACCUSATION OF DARIA**

Petition denied (accusation)

S281640

Petition denied

(accusation)

ACCUSATION OF DARIA

S281641

Petition denied

(accusation)

ACCUSATION OF DARIA

S282464

Voluntary resignation accepted

**ALUMBAUGH ON
RESIGNATION**

The court orders that the voluntary resignation of SCOTT ELI ALUMBAUGH, State Bar Number 143571, as an attorney of the State Bar of California is accepted.

S282467

Voluntary resignation accepted

**ANDERSON ON
RESIGNATION**

The court orders that the voluntary resignation of JAMES TODD ANDERSON, State Bar Number 120455, as an attorney of the State Bar of California is accepted.

S282468

Voluntary resignation accepted

**CRANSTON ON
RESIGNATION**

The court orders that the voluntary resignation of R. M. CRANSTON, State Bar Number 88179, as an attorney of the State Bar of California is accepted.

S282470

Voluntary resignation accepted

DALTON ON RESIGNATION

The court orders that the voluntary resignation of MATTHEW C. DALTON, State Bar Number 276069, as an attorney of the State Bar of California is accepted.

S282471

**MALACZYNSKI ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOANNA DIANA MALACZYNSKI, State Bar Number 220369, as an attorney of the State Bar of California is accepted.

S282473

WESTLY ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of DEAN RANDALL WESTLY, State Bar Number 63579, as an attorney of the State Bar of California is accepted.

S282530

COTTER ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of CLARE NICOLA COTTER, State Bar Number 258108, as an attorney of the State Bar of California is accepted.

S282531

PARTCH ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of LAURA EVANS PARTCH, State Bar Number 151779, as an attorney of the State Bar of California is accepted.