

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 25, 2025
SAN FRANCISCO, CALIFORNIA**

S270535 C088485 Third Appellate District

**TAKING OFFENSE v. STATE
OF CALIFORNIA**

Opinion modified on court's own motion

ORDER MODIFYING OPINION

THE COURT:

The majority opinion in this matter, filed on November 6, 2025, is modified as follows:

1. In the second sentence of the second full paragraph on page 2 of the slip opinion the word “wholly” is deleted so the sentence reads:

As explained below, we agree with the State that the present version of section 526a, as amended in 2018, does not allow standing to sue state officers or entities.

This modification does not affect the judgment.

S287339 D083970 Fourth Appellate District, Div. 1

**MONTGOMERY (TRAVIS
LANELL) ON H.C.**

Supplemental briefing ordered

The Attorney General is directed to serve and file a supplemental brief addressing the impact, if any, of Assembly Bill No. 1071 (2025-2026 Reg. Sess.) on the issues presented in this matter on or before December 10, 2025. (See *id.*, § 3 [adding Penal Code, § 1473, subd. (e)(2)].) Petitioner may serve and file a supplemental reply brief limited to this question on or before December 19, 2025. No extensions of time are contemplated.

S289430 E083710 Fourth Appellate District, Div. 2

IN RE Z.G.

S289441 E084563 Fourth Appellate District, Div. 2

G. (A.) ON H.C.

Case consolidated with:

Good cause appearing, the above-entitled cases are hereby consolidated for the purposes of oral argument and opinion.

S292396 D085454 Fourth Appellate District, Div. 1 **PEOPLE v. GOEHNER**
(MICHAEL LESLIE)

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. Allen*, S286520 (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, and Evans, JJ.

S293247 B330883 Second Appellate District, Div. 2 **PEOPLE v. AGBOOLA**
(MICHAEL TEMITOPE)

Petition for review granted; briefing deferred

Defendant Agboola's petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Allen*, S286520 (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.

Defendant Asenuga's petition for review is denied.

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

S293395 G064987 Fourth Appellate District, Div. 3 **PEOPLE v. DURAN**
(RICHARD MANUEL)

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. Espino*, S286987 (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, and Evans, JJ.

S293538 F087867 Fifth Appellate District **PEOPLE v. SMITH (JOSEPH**
JERMAINE)

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. Morgan*, S286493 (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, and Evans, JJ.

S293586

B340029 Second Appellate District, Div. 7

**PEOPLE v. HERNANDEZ
(NELSON)**

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. Munoz*, S290828 (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, and Evans, JJ.

S289561**ODEN (TERRELL) ON H.C.**

Order to show cause issued, returnable in Superior Court

The request for judicial notice is granted.

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause, returnable before the Los Angeles County Superior Court, why petitioner is not entitled to appointment of counsel pursuant to Penal Code section 1473, subdivision (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts constituting a violation of the Racial Justice Act] in light of comments by the trial court during sentencing and statistical data provided by petitioner demonstrating racial disparities in the imposition of Three Strikes sentences in Los Angeles County. The return must be served and filed on or before December 26, 2025.

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

S290295**DAVIS (SHERMAN LEVEL)
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 Alameda County Superior Court, why petitioner is not entitled to appointment of counsel pursuant to Penal Code section 1473, subdivision (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts constituting a violation of the Racial Justice Act] in light of statistical data provided by petitioner demonstrating racial disparities in the imposition of Three Strikes sentences in Alameda County. The return must be served and filed on or before December 26, 2025.

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

S292909 F087986 Fifth Appellate District**PEOPLE v. PALAFOX (LUIS WILLIAM)**

Petition for review granted; transferred to Court of Appeal, Fifth Appellate District

The petition for review is granted. The 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. Salazar* (2023) 15 Cal.5th 416 and *People v. Lynch* (2024) 16 Cal.5th 730. (Cal. Rules of Court, rule 8.528(d).)

Votes: Corrigan, Liu, Kruger, Groban, and Evans, JJ.

S277736 B314386 Second Appellate District, Div. 8**ZHANG (JINSHU “JOHN”) v. S.C. (DENTONS U.S. LLP)**

Dismissal order filed

In light of procedural developments associated with the motion to compel arbitration filed by Real Party in Interest Dentons U.S. LLP, review in this matter is dismissed. (See Cal. Rules of Court, rule 8.528(b).) On the court’s own motion, the opinion in the above-entitled appeal filed November 9, 2022 which appears at 85 Cal.App.5th 167 is hereby ordered not citable and nonprecedential. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(2).) Respondent’s motion to dismiss, filed on March 14, 2023, is denied as moot.

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

S293555**PITTS (APRIL) 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

November 25, 2025

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

Re: April Pitts
Legal Affairs File No.: GO No. 7756-18
Case Number: S293555
Executive Clemency Number: 1272

Dear Governor Newsom:

On the application of April Pitts 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: “The Governor is contemplating a commutation of sentence that would make Ms. Pitts eligible for an earlier parole suitability hearing.” The court, with at least four judges concurring, hereby grants the request and issues the recommendation required by article V, section 8.

Sincerely,

PATRICIA GUERRERO
Chief Justice of California

S292681 A168421 First Appellate District, Div. 3

Petition for review & publication request(s) denied

**KARNAZES (ELIZABETH) v.
MARTIN (J. PHILIP)**

S292983 B339223 Second Appellate District, Div. 4

Petition for review denied

**GILLER (PATRICIA &
RICHARD C.), MARRIAGE
OF**

S293125 A170297 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GUERY
(MARCUS)**

S293132 A174312 First Appellate District, Div. 5

Petition for review denied

**BLOUNT (ALIVIA) v. S.C.
(SOSA)**

S293133 A170012 First Appellate District, Div. 3

Petition for review denied

**EDWARDS (REGGIE L.) v.
AMERICAN AUTOMOBILE
ASSOCIATION OF
NORTHERN CALIFORNIA,
NEVADA & UTAH, INC.**

S293144	G061647 Fourth Appellate District, Div. 3	PEOPLE v. TULI (JEFFREY)
Petition for review denied		
S293172	A172667 First Appellate District, Div. 2	PEOPLE v. McCANTS (JAMES)
Petition for review denied		
S293176	B335902 Second Appellate District, Div. 1	PEOPLE v. GARCIA (YVETTE RENEE)
Petition for review denied		
S293238		TRAYLOR (MICHAEL STEVEN), IN RE
Petition for review denied		
S293245	H051611 Sixth Appellate District	PEOPLE v. deGEORGE (JUAN E.)
Petition for review denied		
S293268		DIGIACOMO, JR., (RAYMOND VINCENT) v. SHRYNE GROUP, INC.
Petition for review denied		
S293291	B349200 Second Appellate District, Div. 3	CLEMONS (DUSTIN) v. S.C. (PINKERTON CONSULTING & INVESTIGATIONS, INC.)
Petition for review denied		
S293333	B326593/B328707 Second Appellate District, Div. 4	JANISSE (JULIUS) v. MARTIN LUTHER KING JR. - LOS ANGELES (MLK-LA) HEALTHCARE CORPORATION
Petition for review denied		

S293342 E086895 Fourth Appellate District, Div. 2

**PEOPLE v. HASH
(LAWRENCE GEORGE)**

Petition for review denied

S293360 F088265 Fifth Appellate District

**PEOPLE v. BALDWIN
(CHRISTOPHER)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Munoz*, S290828. Evans, J., is of the opinion the petition should be granted.

S293392 G062851 Fourth Appellate District, Div. 3

**OLEN PROPERTIES CORP. v.
KCN A MANAGEMENT, LLC**

Petition for review & publication request(s) denied

S293400 B331169 Second Appellate District, Div. 3
Petition for review denied

ULLOA (ANTONIO) v. SASCO

S293417 E083552 Fourth Appellate District, Div. 2

**PEOPLE v. GARCIA
(MANUEL WILLIAM)**

Petition for review denied

S293428 B334998 Second Appellate District, Div. 6
Petition for review denied

PEOPLE v. MILLS (JACK)

S293466 D083924 Fourth Appellate District, Div. 1
Petition for review denied

PEOPLE v. GARCIA (LARRY)

S293471 A171038 First Appellate District, Div. 3

**MATTSON (LEFEVER) v.
BENEDETTI (ARTHUR)**

Petition for review denied

S293482 D086833 Fourth Appellate District, Div. 1

**TURNER (KEITH) v. S.C.
(CITY OF SAN DIEGO)**

Petition for review denied

S293483 F084580 Fifth Appellate District

Petition for review denied

**PEOPLE v. SANTA CRUZ
(FREDDIE)**

S293487 H053676 Sixth Appellate District

Petition for review denied

**YOUNG (JOSEPH DALE) ON
H.C.**

S293491 F089646 Fifth Appellate District

The petition for review is denied without prejudice to seeking review following further proceedings in the lower courts.

**FERREIRA (TIMOTHY) v.
S.C. (HILMAR CHEESE
COMPANY, INC.)**

S293492 B342329 Second Appellate District, Div. 5

Petition for review denied

**STAFFORD (CORNELIUS) v.
MOLANO (NICOLE MARIE)**

S293500 A171350 First Appellate District, Div. 1

Petition for review denied

**BAKER (CATHERINE) v. SAN
MATEO COUNTY
EMPLOYEES RETIREMENT
ASSOCIATION**

S293501 A171728 First Appellate District, Div. 5

Petition for review denied

**WATTERS (ANDREW G.) v.
BREJA (SIDDHARTH)**

S293502 B330981 Second Appellate District, Div. 6

Petition for review denied

**HAMEED (RASHID) v. SYED
(KALEEM)**

S293507 G063596 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. LITTLE
(JENNIFER YVETTE)**

S293511 B337586 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. OSTEEN
(DARION)**

S293514 E083949 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HERNANDEZ
(CRUZ)**

S293521 C095999 Third Appellate District

Petition for review denied

**PEOPLE v. LEONARD
(MICHAEL JOHN)**

S293522 B337793 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. KESTNER
(JOSHUA)**

S293523 B337225 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. SANCHEZ
(DAVID PAUL)**

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

S293531 B334952 Second Appellate District, Div. 3

Petition for review denied

**BERRELLEZA (SARA) v.
COUNTY OF LOS ANGELES**

S293547 A171436 First Appellate District, Div. 3

**PEOPLE v.
BARRIGA-BARRERA (JOSE
LUIS)**

Defendant's application to file the unredacted petition for review under seal is granted. (Cal. Rules of Court, rules 2.550(d), 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 under seal.
The petition for review is denied.

S293550 H051814 Sixth Appellate District

Petition for review denied

**PEOPLE v. FLORES
(MIGUEL ALEJANDRO)**

S293554	A174431 First Appellate District, Div. 4	DILBERT (CLIFFORD ALAN) ON H.C.
Petition for review denied		
S293563	B348270 Second Appellate District, Div. 5	SARINANA (TOMAS) v. S.C. (PEOPLE)
Petition for review denied		
S293565	B339007 Second Appellate District, Div. 6	PEOPLE v. ADAMS (TIMOTHY SCOTT)
Petition for review denied		
S293567	E079976/E080445 Fourth Appellate District, Div. 2	AGUINA (AGUINA) & KANG (CHOONG-DAE), MARRIAGE OF
Petition for review denied		
S293568	E082626 Fourth Appellate District, Div. 2	PEOPLE v. MENDOZA- VIEYRA (JONATHAN FAVIAN)
Petition for review denied		
S293569	G062520 Fourth Appellate District, Div. 3	PEOPLE v. OLAEZ (MANUEL SANDOVAL)
Petition for review denied		
S293571	B336389 Second Appellate District, Div. 6	IN RE J.C.
Petition for review denied		
S293572	H050622 Sixth Appellate District	PEOPLE v. DONATO (BALTAZAR OLIVERA)
Petition for review denied		

S293578**REYNOLDS (HAISANI) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION THREE
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S293579**WILLIAMS (T.) v. STATE
BAR OF CALIFORNIA**

Petition for review & application for stay denied

S293580 A171772 First Appellate District, Div. 2**PEOPLE v. SNELL (LEMELL
BENJAMIN)**

Defendant's application to file the unredacted petition for review under seal is granted. (Cal. Rules of Court, rule 8.47.) The clerk of this court is directed to file the unredacted petition for review under seal.

The petition for review is denied.

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

S293582 A174447 First Appellate District, Div. 4**HUBBARD (NATHAN
JAMES) ON H.C.**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Kowalczyk*, S277910.

S293583 F087824 Fifth Appellate District**PEOPLE v. MEZA (SAUL
ALEX)**

Petition for review denied

S293588 C099593 Third Appellate District
Petition for review denied**PEOPLE v. FORD (KIPP RAY)****S293591** B336776 Second Appellate District, Div. 8**PEOPLE v. GUILLEN
(JOVANI)**

Petition for review denied

S293592 B306777/B310252 Second Appellate District, Div. 5 **PEOPLE v. LEWIS (ARTHUR LEE)**

Petition for review denied

S293596 A172447 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CARBAJAL
(ALBERTO HERNANDEZ)**

S293598 B338106 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. VRANA (DAVID
LOYD)**

S293600 A174520 First Appellate District, Div. 2

Petition for review denied

**INGRAHAM (MARK) v. S.C.
(CHASE BANK)**

S293603 C104637 Third Appellate District

Petition for review denied

**RIVER'S SIDE AT
WASHINGTON SQUARE
HOMEOWNERS
ASSOCIATION v. S.C.
(RIVER'S SIDE LLC)**

S293604 C098713 Third Appellate District

Petition for review denied

**HARSHINE (JIMMIE),
ESTATE OF**

S293606 E087042 Fourth Appellate District, Div. 2

Petition for review & application for stay denied

**RAMOS (RITA ESMERALDA)
v. S.C. (PEOPLE)**

S293607 G063387 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v.
MEHRIALLAHYARI
(MILAD)**

S293611 F088201 Fifth Appellate District

Petition for review denied

**PEOPLE v. CORTEZ (JESUS
GUSTAVO ARREDONDO)**

S293618 A171556 First Appellate District, Div. 5
Petition for review denied

PEOPLE v. PRESSLEY (ERIC)

S293619 B329966 Second Appellate District, Div. 6
Petition for review denied

**PEOPLE v. NEWELL
(RAFAEL PRESTON)**

S293630 D083988 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. DAVIS (JAMES
ALLEN)**

S293638 D083747 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. VASQUEZ
(ISIDRO)**

S293639 E083908 Fourth Appellate District, Div. 2
Petition for review denied

**PEOPLE v. OROZCO
(ALONZO)**

S293645 C100060 Third Appellate District
Petition for review denied

**PEOPLE v. MARTIN
(TYRICE)**

S293648 B349343 Second Appellate District, Div. 7
Petition for review denied

LOZANO (IVAN) ON H.C.

S293650 B345850 Second Appellate District, Div. 1
Petition for review denied

**COOPER (TAWANA JEAN) v.
OPTUM SERVICES, INC.**

S293653 A172130 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. CARLSON
(JESSICAH)**

S293655 D084539 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BLANCO (JOSE
PINEIRO)**

S293810 B349401 Second Appellate District, Div. 1

Petition for review & application for stay denied

**JONES (TAMIQUA) v. S.C.
(PATIN, JR.)**

S293882 C104840 Third Appellate District

Petition for review & application for stay denied

**RIVES (SHONNA-LEIGH) v.
S.C. (THE REGENTS OF THE
UNIVERSITY OF
CALIFORNIA)**

S293902

Petition for review denied

KAMATH (RESHMA), IN RE

S293903

Petition for review & application for stay denied

**ORTIZ (YAZMIN) v. EISLER
(RUDY)**

S293919

The petition for writ of mandate and application for stay are denied.

**RIVES (SHONNA-LEIGH) v.
S.C. (THE REGENTS OF THE
UNIVERSITY OF
CALIFORNIA)**

S293924 H053737 Sixth Appellate District

Petition for review & application for stay denied

**SEONG (CHANG-YUN) v. S.C.
(SEONG)**

S293951 G066178 Fourth Appellate District, Div. 3**RUBLE (MELISSA) v. S.C.
(PARISEAU)**

Petition for review & application for stay denied

S286717**JACKSON (NOEL) ON H.C.**

Petition for writ of habeas corpus denied

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 and discovery. In this respect, petitioner claims that he is entitled to immediate release as his speedy trial and double jeopardy rights are being violated and he appears to claim that he was disparately charged, convicted, and sentenced in Riverside County. (Pen. Code, § 745, subd. (a)(1), (3), (4)(A).)

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 or that support a claim petitioner was charged, convicted, or sentenced in a more severe manner than similarly situated individuals of other races, ethnicities, or national origins. (Pen. Code, § 745, subd. (a)(1)-(4).) Nor does petitioner describe or attach supporting documentary evidence concerning racial bias or animus or the use of racially discriminatory language.

Petitioner also seeks disclosure of discovery under the Racial Justice Act to obtain evidence supporting his claims. (See Pen. Code, §§ 745, subd. (d), 1473, subd. (e).) We granted review in *In re Montgomery*, S287339 (*Montgomery*) to consider issues related to discovery requests under the Racial Justice Act. Because our resolution of the issues presented in *Montgomery* may affect the availability of discovery under the Racial Justice Act, which may in turn affect the ability of a petitioner to plead claims under that statute, the petition for writ of habeas corpus and discovery request are denied without prejudice to any relief to which petitioner might be entitled after this court decides *Montgomery*. (See Pen. Code, § 1473, subd. (e) [“A petition raising a claim [under the Racial Justice Act] on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition”].)

S287391**MURRAY (MAURICE
BURTON) ON H.C.**

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus has been read and considered. Petitioner contends that he is entitled to relief under the Racial Justice Act of 2020. (Pen. Code, § 745.) In this respect, petitioner alleges he was charged or convicted of a more serious offense than defendants of other

racess, ethnicities, or national origins who have engaged in similar conduct and are similarly situated; prosecutors in Monterey County more frequently sought or obtained convictions for more serious offenses against people who share his race, ethnicity, or national origin; and he received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense and longer or more severe sentences were more frequently imposed for the same offense on defendants who share petitioner's race, ethnicity, or national origin in Monterey County. He also alleges the superior court incorrectly applied the "stringent" standard of review to determine whether he made a prima facie showing of entitlement to relief under the Racial Justice Act.

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 request for counsel is denied.

Petitioner "has not established a prima facie showing of entitlement to relief" under the Racial Justice Act at this time. (Pen. Code, § 1473, subd. (e).) Petitioner fails to allege particularized facts that support a claim that he was charged, convicted, or sentenced in a more severe manner than similarly situated individuals of other races, ethnicities, or national origins. (*Id.*, § 745, subd. (a)(3)-(4).) Nor does petitioner describe or attach supporting documentary evidence concerning these claims.

Petitioner also seeks disclosure of discovery under the Racial Justice Act to obtain supporting evidence. (See Pen. Code, §§ 745, subd. (d), 1473, subd. (e).) We granted review in *In re Montgomery*, S287339 (*Montgomery*) to consider issues related to discovery requests under the Racial Justice Act. Because our resolution of the issues presented in *Montgomery* may affect the availability of discovery under the Racial Justice Act, which may in turn affect the ability of a petitioner to plead claims under that statute, the petition for writ of habeas corpus and discovery request are denied without prejudice to any relief to which petitioner might be entitled after this court decides *Montgomery*. (See Pen. Code, § 1473, subd. (e) ["A petition raising a claim [under the Racial Justice Act] on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition"].)

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

S287976

**MALDONADO (JOE
RICHARD) ON H.C.**

Petitioner's application to file certain attachments to the habeas petition filed in this court on November 21, 2024, under seal - namely, Exhibits 6, 8, 15, 26, 27, 29, 31, and 37 - is granted. (Cal. Rules of Court, rules 2.550(d), 8.46(b), 8.47.) 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 above-noted exhibits under seal.

The petition for writ of habeas corpus is denied.

S291039**RAMIREZ (SAUL MIRANDA)
ON H.C.**

Petition for writ of habeas corpus denied

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 counsel and discovery. In this respect, petitioner contends corrections officers employed by the California Department of Corrections and Rehabilitation (CDCR) have retaliated against him for filing misconduct complaints and that as a Mexican inmate, he has been “retaliated and threaten to stop filing grievances...while other races are not threaten to stop.” 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 request for counsel is denied.

Assuming, for purposes of this matter only, that the Racial Justice Act applies to actions by corrections officers employed by CDCR, petitioner nonetheless fails to make a prima facie showing of entitlement to relief. (Pen. Code, § 1473, subd. (e).) Petitioner fails to allege particularized facts that support his claim of alleged exhibitions of racial bias, retaliation or racialized threats by corrections officers. (*Id.*, § 745, subds. (a)(1).) Nor does petitioner attach supporting documentary evidence concerning these claims.

Petitioner also seeks disclosure of discovery under the Racial Justice Act to obtain evidence supporting his claims. (See Pen. Code, §§ 745, subd. (d), 1473, subd. (e).) We granted review in *In re Montgomery*, S287339 (*Montgomery*) to consider issues related to discovery requests under the Racial Justice Act. Because our resolution of the issues presented in *Montgomery* may affect the availability of discovery under the Racial Justice Act, which may in turn affect the ability of a petitioner to plead claims under that statute, the petition for writ of habeas corpus and discovery request are denied without prejudice to any relief to which petitioner might be entitled after this court decides *Montgomery*. (See Pen. Code, § 1473, subd. (e) [“A petition raising a claim [under the Racial Justice Act] on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition”].)

S291049**MORALES (DAVID
JEREMIAH) 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 and requests counsel. (Pen. Code, § 745.) In this respect, petitioner alleges that the judge, an attorney, a law enforcement officer, an expert, or a juror in the case exhibited bias or animus toward petitioner because of petitioner’s race; during in-court trial proceedings, the judge, an attorney, a law enforcement officer, an expert, or a juror used racially discriminatory language about petitioner’s race, ethnicity, or national origin; he was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated; prosecutors in Sonoma County more frequently sought or obtained

convictions for more serious offenses against people who share his race, ethnicity, or national origin; he received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense; longer or more severe sentences were more frequently imposed for the same offense on defendants who share petitioner's race, ethnicity, or national origin than on others in Sonoma County; and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in Sonoma County.

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 request for counsel is denied.

Petitioner "has not established a prima facie showing of entitlement to relief" under the Racial Justice Act at this time. (Pen. Code, § 1473, subd. (e).) Petitioner fails to allege particularized facts that support his claims based on alleged exhibitions of racial bias or that 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. (*Id.*, § 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].) Nor does petitioner describe or attach supporting documentary evidence concerning these claims. (cf. *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.

S291263

**AVILA (DANIEL JOSEPH)
ON H.C.**

Petition for writ of habeas corpus denied

The petition for writ of habeas corpus has been read and considered. Petitioner contends he is entitled to relief under the Racial Justice Act of 2020 (Pen. Code, § 745) and requests counsel and discovery. In this respect, petitioner alleges he was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated; prosecutors in Riverside County more frequently sought or obtained convictions for more serious offenses against people who share his race, ethnicity, or national origin; and he received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense and longer or more severe sentences were more frequently imposed for the same offense on defendants who share petitioner's race, ethnicity, or national origin in Riverside County. In a supplemental filing, petitioner alleges the "use of his 28-year-old strike prior to double his sentence was infected by racial bias under Penal Code § 745," and "[p]rosecutors disproportionately invoke decades-old priors to maximize sentences against Latino and African American defendants, while declining to do so for similarly situated white defendants."

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 request for counsel is denied.

Petitioner “has not established a prima facie showing of entitlement to relief” under the Racial Justice Act at this time. (Pen. Code, § 1473, subd. (e).) Petitioner fails to allege particularized facts that 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. (*Id.*, § 745, subd. (a)(3)-(4)(A).) Nor does petitioner describe or attach relevant supporting documentary evidence concerning these claims.

Petitioner also seeks disclosure of discovery under the Racial Justice Act to obtain evidence supporting his claims. (See Pen. Code, §§ 745, subd. (d), 1473, subd. (e).) We granted review in *In re Montgomery*, S287339 (*Montgomery*) to consider issues related to discovery requests under the Racial Justice Act. Because our resolution of the issues presented in *Montgomery* may affect the availability of discovery under the Racial Justice Act, which may in turn affect the ability of a petitioner to plead claims under that statute, the petition for writ of habeas corpus and discovery request are denied without prejudice to any relief to which petitioner might be entitled after this court decides *Montgomery*. (See Pen. Code, § 1473, subd. (e) [“A petition raising a claim [under the Racial Justice Act] on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition”].)

S292219

**JOHNSON (ROBERT DAVID)
ON H.C.**

Petition for writ of habeas corpus denied

S292280

**ARNOLD (JOSHUA LEE) 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].)

S292301

**VAN CLEAVE (JAMIE LEE)
ON H.C.**

Petition for writ of habeas corpus denied

S292344

**DAVIS (KENNETH LAMONT)
ON H.C.**

Petition for writ of habeas corpus denied

S292405

**WELLS (STANLEY
VERNARD) ON H.C.**

Petition for writ of habeas corpus denied

S293467**SEMIEN (ANTHONY
MARVELL) ON H.C.**

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

S293118 A167911 First Appellate District, Div. 5**RUSSELL (CLIFF R.) v.
RUSSELL (ROBERT J.)**

Publication request denied (case closed)

S293209**PEOPLE v. FERRIGNO
(GIUSEPPE JOHN)**

Depublication request denied (case closed)

S293259 A170154 First Appellate District, Div. 3**MORALES (ERICK DE
LEON) v. CITY & COUNTY
OF SAN FRANCISCO**

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.

S293540 A170383 First Appellate District, Div. 4**JOHNSON (RUSSELL L.) v.
STONERIDGE CREEK
PLEASANTON CCRC LLC**

The request for judicial notice is granted.

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.

S275272 B306321 Second Appellate District, Div. 7**LOS ANGELES POLICE
PROTECTIVE LEAGUE v.
CITY OF LOS ANGELES**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to February 6, 2026, or the date upon which rehearing is either granted or denied, whichever occurs first. (Cal. Rules of Court, rules 8.532(b)(1)(B), 8.536(c) [governing extension of finality].)

S294106 A172245 First Appellate District, Div. 4

**BERKELEY PEOPLE'S
ALLIANCE v. CITY OF
BERKELEY**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to January 28, 2026.
(Cal. Rules of Court, rule 8.512(c).)

S293412 F090477 Fifth Appellate District

**WHALEN (DANIEL LEE) ON
H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to
January 7, 2026.

S293548 B336225 Second Appellate District, Div. 7

**PEOPLE v. BARRIOS
(MICHAEL ALEXANDER)**

The time for granting or denying review in the above-entitled matter is hereby extended to
January 15, 2026.

S186162

**PEOPLE v. MEJORADO
(JOSE SERGIO)**

Extension of time granted

Upon application of counsel Eric S. Multhaup, an extension of time in which to serve and file appellant's supplemental opening brief is granted to January 20, 2026. 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.

S222615

**PEOPLE v. BELTRAN
(FRANCISCO)**

Extension of time granted

Upon application of Supervising Deputy State Public Defender C. Delaine Renard, an extension of time in which to serve and file the appellant's reply brief is granted to January 30, 2026. The court anticipates that after that date, only five further extensions totaling about 304 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).)

S286371 B329800 Second Appellate District, Div. 2 **PEOPLE v. ESQUIVIAS
(MIGUEL ALBERTO)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the response to amicus curiae brief is extended to January 9, 2026.

S287946 B327745 Second Appellate District, Div. 2 **GOROBETS (VADIM) v.
JAGUAR LAND ROVER
NORTH AMERICA, LLC**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits and motion for judicial notice is extended to January 9, 2026.

No further extensions are contemplated.

S291105 B330707 Second Appellate District, Div. 7 **PEOPLE v. HENDERSON
(ARTHUR LEE)**

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 December 10, 2025.

No further extensions of time are contemplated.

S293503 **ACCUSATION OF HALLAQ**
Petition denied (accusation)