

**SUPREME COURT MINUTES  
WEDNESDAY, DECEMBER 10, 2008  
SAN FRANCISCO, CALIFORNIA**

**S151402**      B185656 Second Appellate District, Div. 8      **SAVE TARA v. CITY OF  
WEST HOLLYWOOD  
(WASET, INC.)**

Opinion modified – no change in judgment

**S167531**      H030475 Sixth Appellate District      **PEOPLE v. SOTO (JAIME  
VARGAS)**

Petition for review granted                      (criminal case)

The court denies review of the additional issues set forth in appellant's answer brief.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S157645**      C053878 Third Appellate District      **PEOPLE v. RANDALL  
(ROBERT BERT)**

Supplemental briefing ordered

The parties are requested to submit simultaneous letter briefs within 15 days of the date of this order directed to the question whether review should be dismissed in light of the passage of Proposition 9 ("Marsy's Law") at the general election on November 4, 2008.

**S158084**      E041331 Fourth Appellate District, Div. 2      **PEOPLE v. S.C. (SMITH)**  
Supplemental briefing ordered

The parties are requested to submit simultaneous letter briefs within 15 days of the date of this order directed to the question whether review should be dismissed in light of the passage of Proposition 9 ("Marsy's Law") at the general election on November 4, 2008.

**S157601**      C049069 Third Appellate District      **PEOPLE v. CHUN (SARUN)**  
Issues ordered limited

Pursuant to California Rules of Court, rule 8.516(a)(1), the court hereby limits the issues to be argued in this case to all of the issues concerning whether the trial court prejudicially erred in instructing the jury on second degree felony murder.

Respondent may file a supplemental letter brief responding to defendant's argument that the jury should decide any question regarding the merger doctrine. (See the opening brief on the merits,

p. 17, fn. 8.) Any such supplemental brief must be filed on or before December 22, 2008. If respondent files such a brief, appellant may file a supplemental letter reply brief limited to this question on or before January 5, 2009.

**S146120****TURNER (MELVIN) ON H.C.**

OSC issued, returnable in Superior Court (Atkins claim)

The Director of the Department of Corrections and Rehabilitation is ordered to show cause in the Los Angeles County Superior Court, when the matter is placed on calendar, why petitioner's death sentence should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in the petition for writ of habeas corpus filed August 28, 2006. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return is to be filed on or before January 9, 2008.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S167420**

B210631 Second Appellate District, Div. 2

**DONALD (WILLIE) v. S.C.  
(CITY OF LOS ANGELES  
POLICE DEPARTMENT)**

Review granted; transferred to Court of Appeal, Second Appellate District, Division Two, to issue alt. writ

The petition for review is granted.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its order denying the petition for writ of mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C. J., Kennard, Werdegar, Moreno, and Corrigan, JJ.

**S025355****PEOPLE v. BRIDGES  
(EDWARD DEAN)**

Appeal abated (AA)

Respondent's "Motion to Abate Proceedings," filed on November 21, 2008, is granted. As indicated in a certified copy of a certificate of death, appellant Edward Dean Bridges died on October 9, 2008. All proceedings in *People v. Edward Dean Bridges*, case no. S025355, are permanently abated, and the Superior Court of California, County of Riverside is directed to enter an order to that effect in case No. CR 37250. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

**S110741****PADILLA (ALFREDO  
ALVARADO) ON H.C.**

Dismissal order filed

The above-entitled case having become moot by petitioner's death on July 25, 2008, as indicated in the certified copy of a certificate of death filed with the motion to dismiss, the motion is granted, the order to show cause is vacated, and the petition is dismissed as moot.

**S119666**

**PADILLA (ALFREDO  
ALVARADO) ON H.C.**

Dismissal order filed

The above-entitled case having become moot by petitioner's death on July 25, 2008, as indicated in the certified copy of a certificate of death filed with the motion to dismiss, the motion is granted and the petition is dismissed as moot.

**S136121**

**PADILLA (ALFREDO  
ALVARADO) ON H.C.**

Dismissal order filed

The above-entitled case having become moot by petitioner's death on July 25, 2008, as indicated in the certified copy of a certificate of death filed with the motion to dismiss, the motion is granted and the petition is dismissed as moot.

**S151385**

**PADILLA (ALFREDO  
ALVARADO) ON H.C.**

Dismissal order filed

The above-entitled case having become moot by petitioner's death on July 25, 2008, as indicated in the certified copy of a certificate of death filed with the motion to dismiss, the motion is granted and the petition is dismissed as moot.

**S154838**

**PADILLA (ALFREDO  
ALVARADO) ON H.C.**

Dismissal order filed

The above-entitled case having become moot by petitioner's death on July 25, 2008, as indicated in the certified copy of a certificate of death filed with the motion to dismiss, the motion is granted and the petition is dismissed as moot.

**S114982  
SANFORD)**

**CHATMAN (ERIK  
ON H.C.**

Petition for writ of habeas corpus denied (AA)

The "Petition for Writ of Habeas Corpus and Request for Consolidation," filed April 10, 2003, is denied on the merits. Claim 30 is denied as premature.

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

**S126781**

**MOON (RICHARD RUSSELL)  
ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed August 2, 2004, is denied.

All claims, except Claim T, are denied on the merits.

Except to the extent they allege ineffective assistance of trial counsel, paragraphs 72, 74, and 75 of Claim A are denied because petitioner failed to raise them in the trial court. (*In re Seaton* (2004) 34 Cal.4th 193, 199-201.)

Except insofar as it alleges ineffective assistance of counsel and to the extent it was not raised on appeal, Claim E is barred by *In re Harris* (1993) 5 Cal.4th 813, 825 & fn. 3, 826-829, and *In re Dixon* (1953) 41 Cal.2d 756, 759.

Claim T is denied as premature, without prejudice to petitioner's filing of a renewed habeas corpus petition after an execution date has been set.

Justice Werdegar would not hold that any of petitioner's claims are barred under *In re Seaton* (2004) 34 Cal.4th 193, 201, fn 4.

Kennard, Chin, and Moreno, JJ., are of the opinion an order to show cause should be issued.

**S166631** C053474 Third Appellate District

**PEOPLE v. SALMON (JAMES  
FREDERICK)**

Petitions for review denied

**S166831** E043446 Fourth Appellate District, Div. 2

**PEOPLE v. SHARP (DONALD  
EUGENE)**

Petitions for review denied

**S166837****MACEACHERN (KELLY A.)  
v. COMMISSION ON  
JUDICIAL PERFORMANCE**

Petition for review denied (CJP - discipline)

The petition for review is denied.

This order is without prejudice to a separate petition for relief from suspension pursuant to California Constitution Article VI, section 18(e).

**S166887** D050658 Fourth Appellate District, Div. 1**PEOPLE v. THAMMAVONG  
(SOMSAK)**

Petition for review denied

**S166888** B198510 Second Appellate District, Div. 4**PEOPLE v. FLETCHER  
(WAYNE)**

Petitions for review denied

**S166960** B199608 Second Appellate District, Div. 7**PEOPLE v. BUTLER  
(KENNETH WAYNE)**

Petition for review denied

**S166964** B205104 Second Appellate District, Div. 6**PALACIOS (GERARDO) ON  
H.C.**

Petition for review denied

**S166965** B199211 Second Appellate District, Div. 6**PEOPLE v. PALACIOS  
(GERARDO)**

Petition for review denied

**S166971** A115684 First Appellate District, Div. 3**PEOPLE v. GUTIERREZ  
(TINA)**The petitions for review are denied without prejudice to any relief to which defendants might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**S166983** B196877 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. HERNANDEZ  
(ISAIAS)**

**S167031** C053373 Third Appellate District

Petition for review denied

**RECHTIN (ANDREA) v.  
BOARD OF BEHAVIORAL  
SCIENCES**

**S167042** B197580 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MENDOZA  
(GUILLERMO RAMONE)**

**S167046** C055421 Third Appellate District

Petition for review denied

**PEOPLE v. SANDERS  
(AARON JAMES)**

**S167055** D049240 Fourth Appellate District, Div. 1

Petition for review & publication request(s) denied

**WAITS (CHRISTINE) v.  
PACIFICA VILLA ROYALS  
LLC.**

**S167065** B200275 Second Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. HURTADO  
(EDGAR)**

**S167067** E042896 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. DAVIDSON  
(GILBERT)**

**S167069** A117298 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SCOTT (EDJUAN  
CHARDON)**

<b>S167072</b>	A115308 First Appellate District, Div. 3	<b>PEOPLE v. HUGHES (DEANGELEO ANTOINE)</b>
Petition for review denied		
<b>S167073</b>	G038696 Fourth Appellate District, Div. 3	<b>T. (GEORGE), IN RE</b>
Petition for review denied		
<b>S167082</b>	B196287 Second Appellate District, Div. 6	<b>PEOPLE v. LOPEZ (ELEBOARDO)</b>
Petition for review denied		
<b>S167086</b>	G038517 Fourth Appellate District, Div. 3	<b>PEOPLE v. MERCADO (PEDRO)</b>
Petition for review denied		
<b>S167089</b>	B207133 Second Appellate District, Div. 7	<b>ASCENCIO (JOSE ROBERTO) ON H.C.</b>
Petition for review denied		
<b>S167096</b>	B196197 Second Appellate District, Div. 4	<b>PEOPLE v. HERNANDEZ (ELIEZER APONTE)</b>
Petitions for review denied		
<b>S167098</b>	H031866 Sixth Appellate District	<b>PEOPLE v. MCNIEL (RYAN)</b>
Petition for review denied		
<b>S167099</b>	A115603 First Appellate District, Div. 4	<b>PEOPLE v. DAVISON (NATHAN LEE)</b>
Petition for review denied		

**S167101** F055579 Fifth Appellate District

Petition for review denied

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

**ALLEN, JR., II, (COLUMBUS)  
v. S.C. (PEOPLE)**

**S167111** A122135 First Appellate District, Div. 3

Petition for review denied

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

**SPRINT SPECTRUM, L. P. v.  
S.C. (PHILLIPS)**

**S167113** B197555 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. MCCREARY  
(THOMAS TERRELL)**

**S167115** B200446 Second Appellate District, Div. 4

Petitions for review denied

**PEOPLE v. OCHOA  
(MARCUS ANTONIO)**

**S167118** A119519 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WHITAKER  
(MARQUES)**

**S167119** A119162 First Appellate District, Div. 4

Petition for review denied

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

**PEOPLE v. MORRIS  
(CHARLES J.)**

**S167121** E041517 Fourth Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. FORD (LARRY)**

**S167122** A113017 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MENESES  
(ROLANDO S.)**

**S167130** B208415 Second Appellate District, Div. 2  
Petition for review denied

**CASTRO (DIONISIO), IN RE**

**S167131** B203440 Second Appellate District, Div. 6  
Petition for review denied

**PEOPLE v. PIMENTEL  
(ROBERT)**

**S167157** C056669 Third Appellate District  
Petition for review denied

**PEOPLE v. TERRY (JOHN  
DAVID)**

**S167163** A115903 First Appellate District, Div. 5  
Petition for review denied

**PEOPLE v. BROCKMAN  
(LUKE WAYNE)**

**S167167** E041326 Fourth Appellate District, Div. 2  
Petition for review denied

**PEOPLE v. BROWN, JR.,  
(SHERMAN ALAN)**

**S167175** C054406 Third Appellate District  
**(WILLIAM)**  
Petition for review denied

**PEOPLE v. MASE**

**S167182** B196486 Second Appellate District, Div. 8  
Petitions for review denied

**PEOPLE v. VARGAS  
(MATTHEW FELIX)**

**S167184** A122678 First Appellate District, Div. 4  
Petition for review denied

**DAVIS (NEENA) v. S.C.  
(FAIRFIELD NURSING &  
REHABILITATION CENTER)**

**S167190** F051219 Fifth Appellate District

Petition for review denied

**GOLDEN BEAR, INC. v.  
STATE CENTER  
COMMUNITY COLLEGE  
DISTRICT**

**S167191** D051778 Fourth Appellate District, Div. 1

Petition for review denied

**ADAMS (MERLE LADNER) v.  
FISERV, ISS**

**S167192** F054772 Fifth Appellate District

Petition for review denied

**H. (K.), IN RE**

**S167203** A122222 First Appellate District, Div. 1

Petition for review denied

**HARRISON (CEDRIC S.) ON  
H.C.**

**S167206** G038314 Fourth Appellate District, Div. 3

Petition for review denied

**MARK (RONALD H.) v.  
SPENCER (JEFFREY P.)**

**S167208** A117475 First Appellate District, Div. 3

Petition for review denied

**GAS PIPELINE EXPLOSION  
CASES**

**S167230** H032030 Sixth Appellate District

Petition for review denied

**PEOPLE v. YBARRA  
(MICHAEL)**

**S167237** C057216 Third Appellate District

Petition for review denied

**PEOPLE v. POOL (TIMON  
JOEL)**

<b>S167240</b>	C056051 Third Appellate District	<b>PEOPLE v. ALMEDA (JOHN ANTHONY)</b>
Petition for review denied		
<b>S167244</b>	B204594 Second Appellate District, Div. 4	<b>PEOPLE v. WESTIN (BRUCE)</b>
Petition for review denied		
<b>S167248</b>	B199915 Second Appellate District, Div. 6	<b>PEOPLE v. ZEPEDA (GERARDO)</b>
Petitions for review denied		
<b>S167251</b>	B193553 Second Appellate District, Div. 3	<b>PEOPLE v. OGANYAN (ARMEN)</b>
Petition for review denied		
<b>S167256</b>	A115570 First Appellate District, Div. 1	<b>CLOVERDALE, CITY OF v. DEPARTMENT OF TRANSPORTATION</b>
Petition for review denied		
<b>S167258</b>	B201176 Second Appellate District, Div. 5	<b>ACTION APARTMENT ASSOCIATION v. CITY OF SANTA MONICA</b>
Petition for review denied		
<b>S167264</b>	A117185 First Appellate District, Div. 5	<b>PEOPLE v. KENDALL (GEORGE LEWIS)</b>
Petition for review denied		
<b>S167265</b>	H031351 Sixth Appellate District	<b>PEOPLE v. MONTEVERDE (JOSE)</b>
Petition for review denied		

<b>S167267</b>	E041770 Fourth Appellate District, Div. 2	<b>PEOPLE v. BROWN (DAVID LASHAY)</b>
Petition for review denied		
<b>S167268</b>	H032541 Sixth Appellate District	<b>MONTEVERDE (JOSE) ON H.C.</b>
Petition for review denied		
<b>S167270</b>	B202044/B202049 Second Appellate District, Div. 1	<b>HOLLIS-ARRINGTON (BEVERLY ANN) v. BONHOMME (ELLEN S.)</b>
Petition for review denied		
<b>S167272</b>	H031380 Sixth Appellate District	<b>PEOPLE v. FOUSEK (DAVID)</b>
Petition for review denied		
<b>S167275</b>	B199870 Second Appellate District, Div. 7	<b>DOBOS (AGNETA) v. VOLUNTARY PLAN ADMINISTRATORS, INC.</b>
Petition for review denied		
<b>S167276</b>	E044405 Fourth Appellate District, Div. 2	<b>PEOPLE v. MILLER (WAYNE PAUL)</b>
Petition for review denied		
<b>S167282</b>	A118672 First Appellate District, Div. 5	<b>PEOPLE v. CUENCA (REYNALDO PEDRO)</b>
Petition for review denied		
<b>S167293</b>	A116389 First Appellate District, Div. 4	<b>KREUTZER (MICHAEL CHRISTOPHER) v. CITY &amp; COUNTY OF SAN FRANCISCO</b>
Petition for review denied		

**S167299** F054363 Fifth Appellate District

Petition for review denied

**PEOPLE v. PLUMLEE  
(GARY)**

**S167304** B199698 Second Appellate District, Div. 5  
Petition for review denied

**PEOPLE v. TINOCO (OMAR)**

**S167309** B199623 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. WILLIE  
(DERRICK ADAMS)**

**S167316** B197857 Second Appellate District, Div. 8

**UTILITY REFORM  
NETWORK v. PUBLIC  
UTILITIES COMMISSION OF  
THE STATE OF  
CALIFORNIA (SOUTHERN  
CALIFORNIA EDISON  
COMPANY)**

The petition for review is denied.

Chin and Corrigan, JJ., are of the opinion the petition should be granted.

**S167326** H031801 Sixth Appellate District

Petition for review denied

**PEOPLE v. BERRING (JASON  
MATTHEW)**

**S167331** E042885 Fourth Appellate District, Div. 2

Petition for review denied; CA opinion decertified

The petition for review is denied.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed August 25, 2008, which appears at 166 Cal.App.4th 238. (Cal. Const., art. VI, section 14; rule 8.1124(c)(1), Cal. Rules of Court.)

**PEOPLE v. BRANDON  
(MARSHA)**

<b>S167336</b>	B207440 Second Appellate District, Div. 7	<b>PEOPLE v. BROUGHTON (BRADLEY)</b>
Petition for review denied		
<b>S167343</b>	H030882 Sixth Appellate District	<b>PEOPLE v. WILKINS (JIMMIE LEE)</b>
Petition for review denied		
<b>S167347</b>	H032908 Sixth Appellate District	<b>WILKINS (JIMMIE LEE) ON H.C.</b>
Petition for review denied		
<b>S167352</b>	B199067 Second Appellate District, Div. 7	<b>PEOPLE v. HERNANDEZ (RICARDO)</b>
Petition for review denied		
<b>S167354</b>	B193719 Second Appellate District, Div. 7	<b>PEOPLE v. WARD (EUGENE H.)</b>
Petition for review denied		
<b>S167356</b>	B210042 Second Appellate District, Div. 3	<b>AVILA (RODOLFO) ON H.C.</b>
Petition for review denied		
<b>S167357</b>	F056066 Fifth Appellate District	<b>COOK (STANLEY) ON H.C.</b>
Petition for review denied		
<b>S167361</b>	B195327 Second Appellate District, Div. 4	<b>REMBERT (ALFONSO) v. CEDARS-SINAI MEDICAL CENTER</b>
Petition for review denied		

**S167366** B199007 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. LAGUNDOYE  
(YAKUB)**

**S167367** G038747 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SAAVEDRA  
(FREDDY)**

**S167371** G038659 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GUTIERREZ  
(EUGENIO ARAGON)**

**S167390** B195034 Second Appellate District, Div. 4

Petition for review & depublication request(s) denied

**MCMILLIAN  
(CHRISTOPHER) v. STROUD  
(CASSANDRA M.)/(STATE  
DEPARTMENT OF HEALTH  
SERVICES)**

**S167396** B194975 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CRUZ (ANGEL)**

**S167406** B196946 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. FORD (MARCEL  
DOUGLAS)**

**S167407** A122724 First Appellate District, Div. 3

Petition for review denied

**RAMSEY (MARK) ON H.C.**

**S167409** H031846 Sixth Appellate District

Petition for review denied

**PEOPLE v. ESTRADA  
(ROBERT REGINALD)**

<b>S167419</b>	E043054 Fourth Appellate District, Div. 2	<b>PEOPLE v. LUNA (LINETTE DIANE)</b>
Petition for review denied		
<b>S167427</b>	G040915 Fourth Appellate District, Div. 3	<b>ROMERO (ISIDRO) ON H.C.</b>
Petition for review denied		
<b>S167432</b>	D052477 Fourth Appellate District, Div. 1	<b>MIZICKO (JOHN) ON H.C.</b>
Petition for review denied		
<b>S167443</b>	A122786 First Appellate District, Div. 5	<b>MOREIRA-ALFARO (MIGUEL) ON H.C.</b>
Petition for review denied		
<b>S167450</b>	A122601 First Appellate District, Div. 4	<b>FLORES (ANGEL) ON H.C.</b>
Petition for review denied		
<b>S167451</b>	H030940 Sixth Appellate District	<b>PEOPLE v. WILSON (EUGENE)</b>
Petition for review denied		
<b>S167455</b>	F053708 Fifth Appellate District	<b>PEOPLE v. FREDERICK (SCOTT WAYNE)</b>
Petition for review denied		
<b>S167456</b>	F053410 Fifth Appellate District	<b>PEOPLE v. ALVAREZ (ESTEVEN)</b>
Petition for review denied		
Baxter, J., was recused and did not participate.		
<b>S167468</b>	B201322 Second Appellate District, Div. 2	<b>PEOPLE v. WONG (PABLO)</b>
Petition for review denied		

- S167469**      A122701 First Appellate District, Div. 3  
Petition for review denied  
**RUSSELL (RONALD W.) v.  
S.C. (PEOPLE)**
- S167470**      D052428 Fourth Appellate District, Div. 1  
Petition for review denied  
**PEOPLE v. MCELMURRY  
(DAVID MICHAEL)**
- S167478**      C052523 Third Appellate District  
Petition for review denied  
**PEOPLE v. MARQUEZ  
(ANTONIO TELLO)**
- S167482**      B195724 Second Appellate District, Div. 7  
Petition for review & depublication request(s) denied  
Kennard, J., is of the opinion the petition should be granted.  
**PADILLA (ANTONIO) v.  
POMONA COLLEGE**
- S167484**      H033403 Sixth Appellate District  
**ALBERT)**  
Petition for review denied  
**GUARDADO (PAUL  
ON H.C.**
- S167489**      B198464 Second Appellate District, Div. 4  
Petition for review denied  
**JONES (CHRISTOPHER) v.  
P.S. DEVELOPMENT  
COMPANY, INC.**
- S167491**      F055082 Fifth Appellate District  
Petition for review denied  
**BREW (JERRY) ON H.C.**
- S167493**      G040935 Fourth Appellate District, Div. 3  
Petition for review and application for stay denied  
**WILLIAMS (PARIS BOBBY)  
ON H.C.**

**S167495** C059852 Third Appellate District  
Petition for review denied

**CAVALLI (CARL) ON H.C.**

**S167502** E046675 Fourth Appellate District, Div. 2  
Petition for review denied

**BROOKS (THOMAS) ON H.C.**

**S167511** B203089 Second Appellate District, Div. 6

**HOLTEMANN (FRANK  
GORDON & BARBARA),  
MARRIAGE OF**

Petition for review denied

**S167514** G039225 Fourth Appellate District, Div. 3

**PEOPLE v. CRUZ (LUIS  
ALBERTO-ACEVEDO)**

Petition for review denied

**S167515** B201313 Second Appellate District, Div. 4  
Petition for review denied

**PEOPLE v. MAYS (LESSIE)**

**S167516** B198672 Second Appellate District, Div. 1  
**(ROBERT)**  
Petition for review denied

**PEOPLE v. BEARD**

**S167520** F055488 Fifth Appellate District

**HOFFMAN (ROBERT E.) ON  
H.C.**

Petition for review denied

**S167527** D050305 Fourth Appellate District, Div. 1

**PLATYPUS WEAR, INC. v.  
GOLDBERG (MARTIN)**

Petition for review denied

**S167532** B210877 Second Appellate District, Div. 2

**COTA (RUBEN ARMENTA)  
ON H.C.**

Petition for review denied

**S167534** D052089 Fourth Appellate District, Div. 1

**PEOPLE v. GRANT (WILLIE ULYSESS)**

Petition for review denied

**S167537** B185223 Second Appellate District, Div. 5

**PEOPLE v. REYNA (JAMES ALBERTO)**

Petition for review denied

**S167545** E043209 Fourth Appellate District, Div. 2

**PEOPLE v. ABRAMS (DEON DETES)**

Petition for review denied

**S167551** F053221 Fifth Appellate District

**PEOPLE v. LUCATERO (ALBERTO)**

Petition for review denied

**S167552** B198977 Second Appellate District, Div. 6

**PEOPLE v. HAYES (RICHARD)**

Petition for review denied

**S167555** D049805 Fourth Appellate District, Div. 1

**MILLS (JOHN T.) v. U.S. BANK**

Petition for review denied

**S167557** C055059 Third Appellate District

**CENTER FOR BIOLOGICAL DIVERSITY v. CALIFORNIA FISH & GAME COMMISSION**

Petition for review denied

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

**S167559** C050147 Third Appellate District

**PEOPLE v. BAUGHMAN (RICKY VERRELL)**

Petition for review denied

**S167560** B187379 Second Appellate District, Div. 1  
**AGENCY**

**REDEVELOPMENT**

**OF THE CITY OF LONG  
BEACH, CALIFORNIA v.  
THACH (SOVANNA)**

Petition for review & publication request(s) denied

**S167587** B204978 Second Appellate District, Div. 6

**PEOPLE v. TAPIA (MARIO  
FLORES)**

Petition for review denied

**S167589** A122577 First Appellate District, Div. 2

**A.O. SMITH CORPORATION  
v. S.C. (THOMAS)**

Petition for review and application for stay denied  
George, C. J., was recused and did not participate.

**S167613** D051408 Fourth Appellate District, Div. 1

**DORNBIRER (MARIAM M.)  
v. KAISER FOUNDATION  
HEALTH PLAN, INC.**

Petition for review denied  
Werdegar, J., was recused and did not participate.

**S167615** A116967 First Appellate District, Div. 1

**PEOPLE v. YAHN (MERTON  
GEORGE)**

Petition for review & publication request(s) denied

**S167627** F055458 Fifth Appellate District  
Petition for review denied

**R. (D.), IN RE**

**S167630**

**SENATOR (BRUCE) v. S.C.  
(FREEDOM  
COMMUNICATIONS, INC.)**

Petition for review denied

**S167635** F053388 Fifth Appellate District

**PEOPLE v. STEAD, JR.,  
(BENNY WAYNE)**

The petition for review is denied without prejudice to any relief to which petitioner might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**S167641** C054678 Third Appellate District

**PEOPLE v. PHILLIPS  
(CONWAY JOSEPH)**

Petition for review denied

**S167649** H032277 Sixth Appellate District

**PEOPLE v. LAMMERS  
(ROBIN RINALDO)**

Petition for review denied

**S167651** D052402 Fourth Appellate District, Div. 1

**TREO@KETTNER  
HOMEOWNERS  
ASSOCIATION v. S.C.  
(ALCALA COMPANY, INC.)**

Petition for review denied

**S167656** H029612 Sixth Appellate District

**NACIANCENO (SALLY E.) v.  
LOZADA (BEN)**

Petition for review denied

**S167660** D051283 Fourth Appellate District, Div. 1

**PEOPLE v. AVERHART (WES  
DAVID)**

Petition for review denied

**S167662** E046708 Fourth Appellate District, Div. 2

**TONG (JEAN) v. S.C.  
(AMERICAN FURNITURE  
STORE, INC.)**

Petition for review denied

**S167671** D050539/D050999 Fourth Appellate District, Div. 1 **PEOPLE v. JOHNSON III  
(WILLIAM HOLLAND)**

Petition for review denied

**S167673** B199918 Second Appellate District, Div. 8 **PEOPLE v. LEWIS  
(MATTHEW)**

Petition for review denied

**S167675** B199630 Second Appellate District, Div. 4 **PEOPLE v. HAMMOND  
(LEON DWIGHT)**

Petition for review denied

**S167676** B198356 Second Appellate District, Div. 1 **M. (T.), IN RE**  
Petition for review denied

**S167677** F054538 Fifth Appellate District **PEOPLE v. CHILDS  
(JOHNNY RAY)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Nguyen*, S154847.

**S167680** B210977 Second Appellate District, Div. 1 **JIMENEZ (ROBERT) v. S.C.  
(JIMENEZ)**

Petition for review denied

**S167681** B200705 Second Appellate District, Div. 1 **KESSLER (STEVE) v. CITY  
OF LOS ANGELES**

Petition for review denied

**S167684** B195940 Second Appellate District, Div. 1 **PADILLA (PETE GOLSH),  
ESTATE OF**

Petition for review denied

**S167686** H031958 Sixth Appellate District  
Petition for review & publication request(s) denied

**PEOPLE v. IBARRA  
(ALVARO)**

**S167690** F053988 Fifth Appellate District  
Petition for review denied

**PEOPLE v. NASH (MICHAEL  
DAVID)**

**S167691** E044364 Fourth Appellate District, Div. 2  
Petition for review denied

**PEOPLE v. TORRES (JAIME  
HERNANDEZ)**

**S167692** F054876 Fifth Appellate District  
Petition for review denied

**PEOPLE v. GUDINO  
(VICTOR)**

**S167697** G038315 Fourth Appellate District, Div. 3  
Petition for review denied

**TEZAK (WILLIAM) v.  
BLANCO (TWYLA)**

**S167702**  
  
Petition for writ of mandate/prohibition denied

**DEVAUGHN (MICHAEL O.)  
v. COURT OF APPEAL,  
FOURTH APPELLATE  
DISTRICT, DIVISION TWO  
(PEOPLE)**

**S167713** A119072 First Appellate District, Div. 5  
Petition for review denied

**PEOPLE v. BORNGEESER  
(DOUGLASS)**

- S167718**      B203610 Second Appellate District, Div. 5      **PEOPLE v. MANZANO  
(MOISES ARANDA)**  
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Nguyen*, S154847.
- S167719**      C060087 Third Appellate District      **FIGEROA (RAPHAEL) v. S.C.  
(PEOPLE)**  
Petition for review and application for stay denied
- S167720**      F053662 Fifth Appellate District      **PEOPLE v. WILKINSON  
(JUAN THOMAS)**  
Petition for review denied
- S167722**      B199422 Second Appellate District, Div. 1      **PEOPLE v. PEGUES  
(MARVIN W.)**  
Petition for review denied
- S167731**      B202277 Second Appellate District, Div. 1      **PEOPLE v. JONES (CARL  
LAMONT)**  
Petition for review denied
- S167734**      B200022 Second Appellate District, Div. 7      **PEOPLE v. HERNANDEZ  
(ZENAIDO)**  
Petition for review denied
- S167735**      C058016 Third Appellate District      **GRANDA (SARA M.) v.  
DREYER (ROGER)**  
Petition for review denied
- S167740**      A122538 First Appellate District, Div. 1      **POLK (SUSAN MAE) v. S.C.  
(PEOPLE)**  
Petition for review denied

**S167741** B201978 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. MCDUFFIE  
(ANTWAIN STEPHAN)**

**S167742** B203024 Second Appellate District, Div. 6

Petition for review denied

**GARCIA (SIMON),  
DELGADO (ANTONIO  
GARCIA) v. LOPEZ (MIGUEL  
A.)**

**S167745** A118129 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. COLT  
(JONATHAN)**

**S167747** A117487 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. BATOR (TED  
STEVEN)**

**S167749** C056332 Third Appellate District

Petition for review denied

**PEOPLE v. MELGAR  
(CARLOS ALBERTO)**

**S167752** B201967 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. SANTIAGO  
(MARIO)**

**S167754** B202436 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. CLEVELAND  
(WANDA G.)**

**S167755** B201912 Second Appellate District, Div. 5

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**PEOPLE v. LYNCH  
(ANTHONY DARNELL)**

**S167756** A119806 First Appellate District, Div. 5

Petition for review denied  
Chin and Corrigan, JJ., were recused and did not participate.

**WANG (LOLI VICTORIA) v.  
PACIFIC GAS & ELECTRIC  
COMPANY**

**S167757** B200677 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. JARAMILLO  
(RICHARD LEONARD)**

**S167758** B198836 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. BROWNER  
(DEMETERIUS)**

**S167763** D051756 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. JOHNSON (GARY  
DAVID)**

**S167766**

Petition for writ of mandate/prohibition denied

**HENNAGAN, JR., (THOMAS  
L.) v. S.C. (AVILA)**

**S167776** B197596 Second Appellate District, Div. 2

Petition for review denied

**SEAGER-EASON (IRENE  
JESSIE) v. SMITH (DIANE  
GRACE)**

**S167781** F052198 Fifth Appellate District

Petition for review denied

**PEOPLE v. MEZA (FREDDY  
VELEZQUEZ)**

**S167787** B198240 Second Appellate District, Div. 6

Petition for review denied

**VASQUEZ (JESUS) v.  
NATIONAL METAL AND  
STEEL CORPORATION**

**S167788** D052472 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WOODFORK  
(JEFFREY ANTHONY)**

**S167790** B200441 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WELLS (STACEY  
L.)**

**S167794** C055609 Third Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**PEOPLE v. CHRISTIAN  
(EMMETT WADE)**

**S167795** B204612 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. PORTER (DAVID  
M.)**

**S167798** E046582 Fourth Appellate District, Div. 2

Petition for review denied

**VIRAY (CARMELITA) v.  
WASHINGTON MUTUAL  
BANK**

**S167799** C060039 Third Appellate District

Petition for review denied

**H. (T.) v. S.C. (R.)**

**S167800** B191091/B192896 Second Appellate District, Div. 1 **UNITED TELEVISION BROADCASTING SYSTEMS, INC. v. RANCHO PALOS VERDES BROADCASTERS, INC./ (CROSBY)**

Petition for review denied

**S167807** F053677 Fifth Appellate District

Petition for review denied

**PEOPLE v. MOLONEY (TERENCE ROBERT)**

**S167810** B206687 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. HOLLOWAY (JOEY RANDY)**

**S167816** B202541 Second Appellate District, Div. 5

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

**KUGLER (HANS) v. BATSON (IDELL)**

**S167819** A118434 First Appellate District, Div. 1

Petition for review denied  
Werdegar, J., is of the opinion the petition should be granted.

**SUN (SONG X.) v. CITY OF OAKLAND**

**S167826** B205254 Second Appellate District, Div. 5  
Petition for review denied

**S. (L.), IN RE**

**S167829** B211354 Second Appellate District, Div. 7  
Petition for review denied

**HOSKINS (NORRIS) ON H.C.**

**S167831** G040978 Fourth Appellate District, Div. 3

Petition for review denied  
George, C. J., was recused and did not participate.

**PACIFICARE OF  
CALIFORNIA v. S.C.  
(MARTIN)**

**S167834** B204432 Second Appellate District, Div. 2  
Petition for review denied

**R. (MARIA), IN RE**

**S167835** B199622 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. WASHINGTON  
(RICHARD)**

**S167840** B203614 Second Appellate District, Div. 1

Petition for review denied

**GERST (DOUGLAS) v. CITY  
OF LOS ANGELES**

**S167842** B200499 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. CORRALES  
(GUILLERMO)**

**S167847** B195911 Second Appellate District, Div. 7

Petition for review denied

**OLDHAM (CHERYL) v.  
FLYNT (LARRY)**

**S167851** D051722 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BLEVINS  
(ROBERT EMMETT)**

**S167852** C056530 Third Appellate District

Petition for review denied

**PEOPLE v. NUMAN (MALIK)**

**S167856** F054103 Fifth Appellate District

Petition for review denied

**PEOPLE v. SANDOVAL  
(ANDREW JOSEPH)**

**S167860** B192716 Second Appellate District, Div. 8

Petition for review denied

**HAKAKHA (FARAMARZ  
BENJAMIN) v. QUALITY OF  
LIFE HEALTH  
CORPORATION**

**S167861** B210791 Second Appellate District, Div. 7

Petition for review denied

**KENNEDY (EDWARD) v. S.C.  
(PEOPLE)**

**S167862** B211217 Second Appellate District, Div. 2  
**ALLEN)**

Petition for review denied

**SIDENER (RICHARD  
v. S.C. (PEOPLE)**

**S167864** B196968 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. RIVERA  
(ARMANDO SALAZAR)**

**S167866** B201020 Second Appellate District, Div. 2

Petitions for review denied

**PEOPLE v. CAMPBELL  
(DIMETIROUS)**

**S167869** C055527 Third Appellate District

Petition for review denied

**PEOPLE v. RAINES  
(MAXWELL)**

**S167870** B201367 Second Appellate District, Div. 2

**PEOPLE v. LASTER  
(CLARENCE EARL)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Nguyen*, S154847.

**S167873** A113827 First Appellate District, Div. 3

Petitions for review denied

**PEOPLE v. CONERLY  
(DOUGLAS)**

**S167875** B196747 Second Appellate District, Div. 7  
Petition for review denied

**S. (D.), IN RE**

**S167899** B206610 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MENDOZA  
(JONATHAN)**

**S167901** C052868 Third Appellate District

Petition for review denied

**PEOPLE v. MARTINEZ  
(ALFRED)**

**S167905** D053456 Fourth Appellate District, Div. 1  
Petition for review denied

**KOBE (STEPHEN J.) ON H.C.**

**S167909** B211473 Second Appellate District, Div. 1

Petition for review and application for stay denied

**ORAVECZ (PAUL) v. S.C.  
(ROTH)**

**S167910** B202423 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. ADAMS  
(ALBERT)**

**S167913** B194463 Second Appellate District, Div. 3

Petition for review denied

**HILL (JERRY) v. STATE  
FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY**

**S167915** B199379 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. NESBITT  
(SHERMAN TRUMELL)**

**S167919** B203228 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. ALVA (RICHARD  
MIRANDA)**

**S167921** D052243 Fourth Appellate District, Div. 1

Petition for review denied

**GARCIA (ROBERTO) v.  
SCORE INTERNATIONAL,  
INC.**

**S167925** F053425 Fifth Appellate District

Petition for review denied

**PEOPLE v. BURGE  
(MICHAEL B.)**

**S167927** C056143 Third Appellate District

Petition for review denied

**PEOPLE v. MULLEN  
(JOSEPH PAUL)**

**S167932** A116892 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. CAOYONAN  
(LYNDON)**

**S167935** B195597 Second Appellate District, Div. 8

Petitions for review denied

**PEOPLE v. ARREOLA  
(JOHNNY)**

**S167938** B205526 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. MORALES  
(ARTHUR)**

**S167946** C055549 Third Appellate District

**PEOPLE v. MARTINEZ  
(KENNETH LEE)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

**S167950** F054298 Fifth Appellate District  
Petition for review denied

**H. (R.), IN RE**

**S167961** H031406 Sixth Appellate District

**PEOPLE v. LARA (JOE  
MANUEL)**

Petition for review denied

**S167963** D053899 Fourth Appellate District, Div. 1

**CHRISTENSEN (CAROLE F.)  
v. S.C. (GIL-HERNANDEZ)**

Petition for review and application for stay denied

**S167969** G038403 Fourth Appellate District, Div. 3  
Petition for review denied

**PEOPLE v. BAIRD (EUGENE)**

**S167972** B204131 Second Appellate District, Div. 1  
**(DARREN**

**PEOPLE v. WILLIE  
  
CHARLES)**

Petition for review denied

**S167973** A118326 First Appellate District, Div. 1

**WOODRUFF (KEVIN-PAUL)  
v. STATE OF CALIFORNIA**

Petition for review denied

**S167974** B197680 Second Appellate District, Div. 3

**PEOPLE v. SMITH  
(MICHAEL)**

Petition for review denied

<b>S167979</b>	B201274 Second Appellate District, Div. 1	<b>PEOPLE v. GONZALEZ (JOEL)</b>
Petition for review denied		
<b>S167981</b>	E043087 Fourth Appellate District, Div. 2	<b>PEOPLE v. BARRIENTOS (JOEY ANTHONY)</b>
Petition for review denied		
<b>S167982</b>	B205555 Second Appellate District, Div. 6	<b>S. (ANGEL), IN RE</b>
Petition for review denied		
<b>S167983</b>	B199554 Second Appellate District, Div. 8	<b>PEOPLE v. ARASHEBEN (TERESA VILET)</b>
Petition for review denied		
<b>S167989</b>	E046747 Fourth Appellate District, Div. 2	<b>BESSERT (SEAN RICHARD) v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S168001</b>	B211232 Second Appellate District, Div. 1	<b>AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA v. S.C (PAILLIOTET)</b>
Petition for review denied		
<b>S168010</b>	G038954 Fourth Appellate District, Div. 3	<b>ROBINSON (KIRK D.) v. CHASTAIN (SHANN ELYSE)</b>
Petition for review denied		
<b>S168012</b>	B200074 Second Appellate District, Div. 5	<b>WILKINSON (JALEH) v. ZELEN (GARRETT JASON)</b>
Petition for review denied		
Kennard and Werdegar, JJ., are of the opinion the petition should be granted.		

**S168020**      B207745 Second Appellate District, Div. 4

**ZURICH AMERICAN  
INSURANCE COMPANY v.  
S.C. (WATTS INDUSTRIES)**

Petition for review denied

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

**S168022**

**WOODRUFF (KEVIN PAUL)  
v. COURT OF APPEAL,  
FIRST APPELLATE  
DISTRICT, DIVISION THREE  
(S.C.)**

Petition for writ of mandate/prohibition denied

**S168028**      B201855 Second Appellate District, Div. 5

**SHARP (JANICE) v. CITY OF  
PASADENA (ANDERSON,  
INDYMAC BANK)**

Petition for review denied

**S168036**      B199725 Second Appellate District, Div. 2

**ROSALES (CONNIE DIANA)  
v. KEENAN & ASSOCIATES**

Petition for review denied

**S168037**      A118084/A118452/A120925  
First Appellate District, Div. 2

**GRIDLEY (PATRICIA) v.  
GRIDLEY (MICHAEL)**

Petition for review denied

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

**S168040**

**MARTINEZ (KENNETH LEE)  
v. COURT OF APPEAL,  
THIRD APPELLATE  
DISTRICT (PEOPLE)**

Petition for writ of mandate/prohibition denied

<b>S168054</b>	C056058 Third Appellate District	<b>PEOPLE v. PAIG (ROBERT SCOTT)</b>
Petition for review denied		
<b>S168056</b>	D051460 Fourth Appellate District, Div. 1	<b>WOODALL (SHAWN) &amp; TEETER (JANICE), MARRIAGE OF</b>
Petition for review denied		
<b>S168057</b>	B199439 Second Appellate District, Div. 3	<b>PEOPLE v. OROZCO (HERNAN)</b>
Petition for review denied		
<b>S168058</b>	E041497 Fourth Appellate District, Div. 2	<b>PEOPLE v. LOPEZ (FRANCISCO AUGUSTINE DIAZ)</b>
Petition for review denied		
<b>S168059</b>	A118408 First Appellate District, Div. 2	<b>STUTRUD (PAUL D.) v. CITY OF ROHNERT PARK</b>
Petition for review denied		
<b>S168063</b>	C056413 Third Appellate District	<b>PEOPLE v. SALAZAR (VICTOR FRANK)</b>
Petition for review denied		
<b>S168073</b>	B203588 Second Appellate District, Div. 4	<b>PEOPLE v. CARRANZA (ROBERTO ANTONIO)</b>
Petition for review denied		
<b>S168081</b>	H031462 Sixth Appellate District	<b>WILLIS, MARRIAGE OF</b>
Petition for review denied		

**S168089** F054451 Fifth Appellate District

Petition for review denied

**S168091** F054449 Fifth Appellate District

Petition for review denied

**S168098** C057901 Third Appellate District

Petition for review denied

**S168104** A122431 First Appellate District, Div. 1

Petition for review and application for stay denied

**S168105** C053405 Third Appellate District

Petition for review denied

**S168106** H031666 Sixth Appellate District

Petition for review denied

**S168108** D050962 Fourth Appellate District, Div. 1

Petition for review denied

**S168111** C057101 Third Appellate District

Petition for review denied

**TATRO (BETTY JO) v.  
TATRO (TODD R.)**

**TATRO (BETTY JO) v.  
TATRO (TODD R.)**

**PEOPLE v. DUFORE  
(TIMOTHY DALE)**

**AYRES (WILLIAM H.) v. S.C.  
(PEOPLE)**

**PEOPLE v. MARSHALL  
(RUDOLPH EDWARD)**

**PEOPLE v. LUNA (GABRIEL  
REYES)**

**GOBER (DIANNE) v. RALPHS  
GROCERY COMPANY**

**PEOPLE v. LESKIN (JOHN  
PETER)**

**S168113** E039208 Fourth Appellate District, Div. 2  
**(JOSEPH**

Petition for review denied

**S168125** F052298 Fifth Appellate District

Petition for review denied

**S168132** F053684 Fifth Appellate District

Petition for review denied

**S168139** C056894 Third Appellate District

Petition for review denied

**S168140** F054536 Fifth Appellate District

Petition for review denied

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

**S168171** B200937 Second Appellate District, Div. 4

Petition for review denied

**S168192** B211773 Second Appellate District, Div. 6

Petition for review denied

**S168466** B212043 Second Appellate District, Div. 5

Petition for review and application for stay denied

**PEOPLE v. SEGADE  
CHRISTOPHER)**

**PEOPLE v. BATALLA  
(GEORGE HERNANDEZ)**

**PEOPLE v. GARCIA  
(FRANCISCO GUZMAN)**

**PEOPLE v. WHITAKER  
(WILLIAM)**

**PEOPLE v. CHAVEZ III  
(JOSE OLIVER)**

**PEOPLE v. LUCKETT  
(ALLEN)**

**BARKER (RICHARD A.) ON  
H.C.**

**SOLOMON (DAVID) v. S.C.  
(PEOPLE)**

**S168608** H033533 Sixth Appellate District  
Petition for review and application for stay denied

**HERSHIPS (HOWARD) v. S.C.  
(PEOPLE)**

**S168653**  
  
Petition for writ of mandate/prohibition denied

**LAZOR (PF) v.  
DEPARTMENT OF  
CORRECTIONS &  
REHABILITATION**

**S157125**  
Petition for writ of habeas corpus denied

**JUNG (DALE) ON H.C.**

**S157979**  
Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**LAL (AZHAR) ON H.C.**

**S160021**  
Petition for writ of habeas corpus denied

**FARLEY (TERRY) ON H.C.**

**S160143**  
Petition for writ of habeas corpus denied

**LI (JIAN) ON H.C.**

**S161303**  
The petition for writ of habeas corpus is denied as moot.

**ZABALA (DONALD) ON H.C.**

**S161515**  
  
Petition for writ of habeas corpus denied

**STINSON (TERRAKEDIS) ON  
H.C.**

**S161816****PENNIWELL (MICHAEL) ON  
H.C.**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

**S162054****BATIE (JOHN L.) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

**S162463****VARELAS (RAYMOND) ON  
H.C.**

Petition for writ of habeas corpus denied  
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S162581****BAINS (SURINDER SINGH)  
ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S162968****SWANIGAN (FRED G.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S163145****LAMB (CHRIS ALLEN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S163165****LOCKETT (WOODROW) ON  
H.C.**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

**S163320**

Petition for writ of habeas corpus denied

**SNEED (ANTHONY) ON H.C.****S163465**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

**WILLIS (NORMAN) ON H.C.****S163508**

Petition for writ of habeas corpus denied

**CLARK (RALPH) ON H.C.****S163542**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**KELLEY (PATRICK) ON H.C.****S163590**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**YOON (TAEK SANG) ON H.C.****S163601**

Petition for writ of habeas corpus denied

**LUNA (ROBERT) ON H.C.****S163696**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

**MASONER (JAMES) ON H.C.****S163796**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

**BLANKENSHIP (BENNIE) ON H.C.**

**S163881**

Petition for writ of habeas corpus denied

**LEWIS (ANTHONY ERIC) ON  
H.C.****S163900**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**YOON (TAEK SANG) ON H.C.****S163938**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)**MCCREA (TERRENCE) ON  
H.C.****S163941**

Petition for writ of habeas corpus denied

**FIELDS (DONALD WESLEY)  
ON H.C.****S163975**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Gomez*, S155425: whether a habeas corpus petitioner whose conviction became final after *Blakely v. Washington* (2004) 542 U.S. 296 but before *Cunningham v. California* (2007) 549 U.S. 270, 127 S.Ct. 856, is entitled to the benefit of the high court's decision in *Blakely*.

**GALVAN (NOEL PONCE) ON  
H.C.****S164002**

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**ORISE (RICKY EARL) ON  
H.C.****S164026**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)**HYDE (THOMAS DWAYNE)  
ON H.C.**

**S164035**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**BROWN (KENNETH W.) ON  
H.C.****S164037**

Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)**BALLARD (ROBERTO  
ANTONIO) ON H.C.****S164039**

Petition for writ of habeas corpus denied

**DEAY (STEVEN) ON H.C.****S164099**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)**ESPINOZA (JORGE) ON H.C.****S164165**The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)**BARELA (RONNIE  
ANTHONY) ON H.C.****S164216**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**JONES (CHARLES) ON H.C.****S164221****H.C.**

Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**DOWNS (GREGORY) ON****S164222**

Petition for writ of habeas corpus denied

**DOWNS (GREGORY) ON H.C.**

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S164447**

**FELLOWS (GERALD) ON  
H.C.**

Petition for writ of habeas corpus denied

**S164531**

**PADILLA (ANGEL  
ERNESTO) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S164572**

**SAWYER (LINDEN ROY) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S164596**

**BENAVENTE (PAUL L.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S164610**

**HOLLIS (MARVIN GLENN)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S164624**

**ROEL (ARMANDO) ON H.C.**

Petition for writ of habeas corpus denied

**S164644**

**SCADERY (HERBERT) ON  
H.C.**

Petition for writ of habeas corpus denied

**S164665**

**THOMAS, JR., (WALLACE)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S164667**

**JONES (LEVAR EMERSON)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

**S164669**

**LEE (KITERAN) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

**S164670**

**CRUZ (ALBERT) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S164674**

**PACKER (JAMES L.) ON H.C.**

Petition for writ of habeas corpus denied

**S164684**

**ROSIER (RANDALL LEE) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S164690**

**SUNIGA (ALEX H.) ON H.C.**

Petition for writ of habeas corpus denied

**S164714**

**RODRIGUEZ (MYNOR) ON  
H.C.**

Petition for writ of habeas corpus denied

**S164717**

**MARTIN (RONNIE S.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S164722**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**MARTINEZ (CARLOS) ON  
H.C.****S164728**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**JOSEPH (ALONZO JAMES)  
ON H.C.****S164732**

Petition for writ of habeas corpus denied

**CHAVEZ (RUDY R.) ON H.C.****S164734**

Petition for writ of habeas corpus denied

**WIELAND (PETER MARTIN)  
ON H.C.****S164735**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)**QUEZADA (ALVARO) ON  
H.C.****S164737**

Petition for writ of habeas corpus denied

**CALDERON-SILVA  
(MARCELINO) ON H.C.****S164755**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**GIBBS (LYLE) ON H.C.****S164762**

Petition for writ of habeas corpus denied

**LIU (MANNY) ON H.C.**

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S164775**

Petition for writ of habeas corpus denied

**HARVEY (ANDREW G.) ON  
H.C.**

**S164782**

Petition for writ of habeas corpus denied

**MENDOZA (CARLOS C.) ON  
H.C.**

**S164785**

**H.C.**

Petition for writ of habeas corpus denied

**JACOBS (SHANNON) ON**

**S164845**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**GUZMAN (FELIPE G.) ON  
H.C.**

**S164854**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**FLORES (ALBERTO) ON H.C.**

**S164858**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**PHOENIX (PETER JOSEPH)  
ON H.C.**

**S164893**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**WINFIELD (MICHAEL  
JEROME) ON H.C.**

**S164913**

**GUILLEN (ANTHONY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S164924**

Petition for writ of habeas corpus denied

**RICHIE (ROBERT) ON H.C.**

**S164927**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**DAVIS (DORIAN) ON H.C.**

**S164930**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**DIEGO (ANTONIO) ON H.C.**

**S164953**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**WILLIAMS (BOBBY RAY)  
ON H.C.**

**S164959**

Petition for writ of habeas corpus denied

**GRUBBS (WILLIE) ON H.C.**

**S164970**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**POLK (LESTER LAMOUNT)  
ON H.C.**

**S164990**

Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734.)

**MENDOZA (CARLOS C.) ON  
H.C.**

**S165240**

Petition for writ of habeas corpus denied

**MARTIN (RONNIE S.) ON  
H.C.**

**S165281****MORRIS (STANLEY GENE)  
ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)

**S165629****JONES (LEVAR EMERSON)  
ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S165728****DETORE (ERNEST  
LEONARD) ON H.C.**

Petition for writ of habeas corpus denied

**S165784****WALKER (EDMOND OSCAR)  
ON H.C.**

Petition for writ of habeas corpus denied

**S165911****WILLIAMSON (JAMES  
BARIDI) ON H.C.**

Petition for writ of habeas corpus denied

**S165991****JONES (LEVAR EMERSON)  
ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S166044****SWANIGAN (FRED G.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S166545****MOORE (JAMES) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S166580**

**STEWART (EDWARD) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S166725**

Petition for writ of habeas corpus denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**WELCH (KENNON) ON H.C.**

**S166769**

**ON**

**HERNANDEZ (RICARDO)**

**H.C.**

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

**S166797**

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

**SMITH (CLEVELAND  
JAMES) ON H.C.**

**S166992**

Petition for writ of habeas corpus denied

**CONROY (MIKE) ON H.C.**

**S167004**

Petition for writ of habeas corpus denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**ROBINSON (DONALD) ON  
H.C.**

**S167036**

Petition for writ of habeas corpus denied

**MULVEY (DENNIS) ON H.C.**

**S167135**

Petition for writ of habeas corpus denied

**COLE (WALTER L.) ON H.C.**

**S167246**

Petition for writ of habeas corpus denied

**S167260**

Petition for writ of habeas corpus denied

**S167288**

**H.C.**

Petition for writ of habeas corpus & stay denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S167374**

Petition for writ of habeas corpus denied

**S167410**

**H.C.**

Petition for writ of habeas corpus denied  
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S167439**

Petition for writ of habeas corpus denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S167459**

Petition for writ of habeas corpus denied

**S167571**

Petition for writ of habeas corpus denied

**ROSENBALM (VINCENT) ON  
H.C.**

**WATTS (JACQUELINE) ON  
H.C.**

**CLARK (RAYMOND) ON**

**CONROY (MIKE) ON H.C.**

**COOK (HAROLD W.) ON**

**ROCHA (LUIS ANTHONY)  
ON H.C.**

**ROBINSON (GEORGE  
RALPH) ON H.C.**

**JONES (LEVAR EMERSON)  
ON H.C.**

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S167593**

**VAN BUREN (MAURICE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S167614**

**DANIELS, JR., (BEN) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S167625**

**STEWART (JEWEL F.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S167700**

**WRIGHT (DEMETRIUS  
AHMED) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S167732**

**JONES (LEVAR EMERSON)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S167737**

**WITKIN (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

**S167815**

**GRANADOS (WILLIAM) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S167823**

**PHIPPS (STONEY) ON H.C.**

Petition for writ of habeas corpus denied

**S167825**

Petition for writ of habeas corpus denied

**LESTOURGEON (BOBBY E.)  
ON H.C.**

**S167833**

The application for stay and petition for writ of habeas corpus are denied as moot.

**ARMSTRONG (ROBERT  
LEE) ON H.C.**

**S167843**

Petition for writ of habeas corpus denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**GUERRERO (JAIME L.) ON  
H.C.**

**S167857**

Petition for writ of habeas corpus denied

**GREENE (CEDRIC) ON H.C.**

**S167858  
ON**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

**LEWIS (SHAWN LIONEL)  
H.C.**

**S167893**

Petition for writ of habeas corpus denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**BARKER (DAVID) ON H.C.**

**S167936**

Petition for writ of habeas corpus & stay denied  
(See *In re Dexter* (1979) 25 Cal.3d 921.)

**SENATOR (BRUCE) ON H.C.**

**S167997**

**ROGERS (EDD) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S168015**

Petition for writ of habeas corpus denied

**LOPEZ (MARTIN) ON H.C.**

**S168021**

Petition for writ of habeas corpus denied

**JOHNSON, JR., (ROBERT)  
ON H.C.**

**S168024**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**CROWTHER (RAYMOND)  
ON H.C.**

**S168100**

**ON**

Petition for writ of habeas corpus denied

**LOPEZ (MATIAS CANTU)  
  
H.C.**

**S168211**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**NEYMAN (MAKSIM MOSHE)  
ON H.C.**

**S168226**

Petition for writ of habeas corpus denied

**LANGSTON (WALTER  
SHANE) ON H.C.**

**S168275**

Petition for writ of habeas corpus denied

**SOLOMON (DAVID) ON H.C.**

**S168352**

**STANLEY (JERRY) ON H.C.**

The petition for writ of habeas corpus, filed on November 17, 2008, is denied. Petitioner has failed to furnish an adequate record. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S168379**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**LIGGINS (ORIENTHAL D.)  
ON H.C.****S168540**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**CHRISTOPHER (MICHAEL  
A.) ON H.C.****S166620**

G039245 Fourth Appellate District, Div. 3

Publication request denied (case closed)

**PALACIO DEL MAR  
HOMEOWNERS  
ASSOCIATION, INC. v.  
MCMAHON (ARNOLD A.)****S166919**

B202625 Second Appellate District, Div. 2

Publication request denied (case closed)

**MACIAS (CYNTHIA) v.  
RALPHS GROCERY  
COMPANY****S166972**

H032120 Sixth Appellate District

Publication request denied (case closed)

The requests for an order directing publication of the opinion in the above-entitled appeal are denied.

**DEPARTMENT OF FAIR  
EMPLOYMENT AND  
HOUSING v. ESQUIVEL  
(GABRIEL)/(AREVALO)****S167123**

A116856 First Appellate District, Div. 2

**THOMPSON (PETER V.) v.  
TOLL DUBLIN LLC.**

Depublication request denied (case closed)

**S167307** A120134 First Appellate District, Div. 4

**RAINEY (SCOTT) v.  
CALIFORNIA DEPARTMENT  
OF TRANSPORTATION**

Publication request denied (case closed)

**S167317** A117770 First Appellate District, Div. 4

**CITIBANK (SOUTH  
DAKOTA) NA v. WALKER  
(ROBERT C. SAM)**

Publication request denied (case closed)

The requests for an order directing publication of the opinion in the above-entitled appeal are denied.

Kennard and Corrigan, JJ., was recused and did not participate.

**S167669** A120372 First Appellate District, Div. 1

**PEDRONI (LINDA) v. CITY  
OF AMERICAN CANYON**

Publication request denied (case closed)

**S167721** G040245 Fourth Appellate District, Div. 3

**T. (S.) v. S.C. (ORANGE  
COUNTY SOCIAL SERVICES  
AGENCY)**

Depublication request denied (case closed)

**S168086** G040676 Fourth Appellate District, Div. 3

**V. (M.) v. S.C. (ORANGE  
COUNTY SOCIAL SERVICES  
AGENCY)**

Depublication request denied (case closed)

The requests for an order directing depublication of the opinion in the above-entitled appeal are denied.

**S075727**

**PEOPLE v. JOHNSON  
(CEDRIC JEROME)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's opening brief by January 14, 2009, counsel's request for an extension of time in which to file that brief is granted to January 14, 2009. After that date, no further extension is contemplated.

**S104665**

**PEOPLE v. POORE  
(CHRISTOPHER ERIC)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 9, 2009.

**S106489**

**PEOPLE v. WEATHERTON  
(FRED LEWIS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 6, 2009.

**S163878**

**CHAVEZ (JESUS LOPEZ) ON  
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response to petition for writ of habeas corpus is extended to December 22, 2008.

**S163905**      B194358 Second Appellate District, Div. 6

**PEOPLE v. ALBILLAR  
(ALBERT ANDREW)**

Extension of time granted

On application of appellant Albert Albillar and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to December 12, 2008.

**S165549**

**KLEIN (ALAN RICHARD) v.  
UNITED STATES OF  
AMERICA**

Extension of time granted

On application of defendant and appellant United States of America and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to February 17, 2009.

**S166435** A116798 First Appellate District, Div. 2

**CLAYWORTH (JAMES) v.  
PFIZER, INC.**

Application to appear as counsel pro hac vice granted

The application of Arthur F. Golden, William J. Fenrich and Daniel J. Schwartz of New York for admission pro hac vice to appear on behalf of respondent AstraZenica LP is hereby granted. (See Cal. Rules of Court, rule 9.40.)

**S011206**

**PEOPLE v. SMITHEY  
(GEORGE HATTON)**

Counsel appointment order filed

Good cause appearing, the application of appointed counsel State Public Defender for the appointment of associate counsel, filed November 19, 2008, is granted.

The Habeas Corpus Resource Center is hereby appointed as associate counsel of record to represent petitioner George Hatton Smithey for all matters related to petitioner's pending evidentiary hearing pursuant to this Court's issuance of an order to show cause returnable in the Calaveras Superior Court (see *In re George Hatton Smithey on Habeas Corpus*, S070780).

**S029174**

**PEOPLE v. GRIFFIN  
(DONALD)**

Order appointing Habeas Corpus Resource Center filed

Good cause appearing, the application of appointed counsel State Public Defender for the appointment of associate counsel, filed November 19, 2008, is granted.

The Habeas Corpus Resource Center is hereby appointed as associate counsel of record to represent petitioner Donald Griffin for all matters related to petitioner's pending evidentiary hearing pursuant to this Court's issuance of an order to show cause returnable in the Fresno Superior Court (see *In re Donald Griffin on Habeas Corpus*, S118650).

**S069685**

**PRICE (CURTIS F.) ON H.C.**

Discovery motion denied

Petitioner's "Motion for Prehearing Discovery," filed on October 14, 2008, is denied.

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

**S130495****MASTERS (JARVIS J.) ON  
H.C.**

Order filed

At the request of the court's referee in this proceeding, The Honorable John Stephen Graham, Judge of the Superior Court of California, County of Marin, Judge Graham is relieved of his appointment as referee with thanks for his service.

The Honorable Verna Adams, Presiding Judge of the Superior Court of California, County of Marin, is directed to select a Judge of that court to sit as a referee in this proceeding and promptly to notify this court of the referee selected. After appointment by this court, the referee will take evidence and make findings of fact on the following questions regarding the case of *People v. Jarvis J. Masters* (Marin County Superior Court No. 10467; Judge Beverly B. Savitt):

1. Was false evidence regarding petitioner's role in the charged offenses admitted at the guilt phase of petitioner's trial? If so, what was that evidence?
2. Is there newly discovered, credible evidence indicative of petitioner's not having been a participant in the charged offenses? If so, what is that evidence?
3. What, if any, promises or threats were made to guilt phase prosecution witness Rufus Willis by District Attorney Investigator Charles Numark or Deputy District Attorneys Edward Berberian or Paula Kamena? Was Willis's trial testimony affected by any such promises or threats, and, if so, how?
4. Were there promises, threats or facts concerning guilt phase prosecution witness Bobby Evans's relationship with law enforcement agencies of which Deputy District Attorneys Berberian and Kamena were, or should have been, aware, but that were not disclosed to the defense? If so, what are those promises, threats or facts?
5. Did Deputy District Attorneys Berberian and Kamena knowingly present false testimony by Bobby Evans? If so, what was that testimony?
6. What, if any, promises or threats were made to Bobby Evans by District Attorney Investigator Numark, Department of Corrections Investigator James Hahn, or Deputy District Attorneys Berberian and Kamena? Was Evans's trial testimony affected by any such promises or threats, and, if so, how?
7. Did penalty phase prosecution witness Johnny Hoze provide false testimony regarding petitioner's involvement in the murder of inmate David Jackson? If so, what was that false testimony?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made. Petitioner's "Motion for a Change of Venue," filed on October 29, 2008, is denied.

**S151402** B185656 Second Appellate District, Div. 8

**SAVE TARA v. CITY OF  
WEST HOLLYWOOD  
(WASET, INC.)**

Order filed

The requests for modification of the opinion are denied.  
The opinion is modified on the court's own motion.

**S156537** C052049 Third Appellate District

**PEOPLE v. WAGNER (DAVID  
ERIC)**

Order filed

For purposes of oral argument, respondent will argue first and appellant will argue second. The parties may reserve time for rebuttal for the specific issue raised in their respective petitions for review. Respondent's rebuttal will precede appellant's. (See Cal. Rules of Court, rule 8.524(d).)

**S167453**

**LENART (THOMAS  
HOWARD) ON H.C.**

Motion to file document under seal denied

Petitioner's "Motion for Leave to File Under Seal Claims and Exhibits in Support of Petition for Writ of Habeas Corpus," filed on October 10, 2008, is denied.

The clerk is directed to return the lodged materials unless petitioner notifies the clerk in writing within 10 days after the date of this order that the lodged materials are to be filed as part of the public record. (See Cal. Rules of Court, rule 8.160(e)(7).)

**S167924**

**GRAY (MARIO LEWIS) ON  
H.C.**

Order filed

Petitioner's "Application for Order to File Portions of Petition for Writ of Habeas Corpus and Exhibits Under Seal," filed October 29, 2008, is granted in part and denied in part, as follows: The Clerk is directed to file under seal petitioner's Exhibit 19, which is confidential by law (Pen. Code, § 1203.5, subd. (b)), and pages 49, 57, 63, 65, 71, and 201 of the petition, all of which refer to Exhibit 19. These documents were received conditionally under seal on October 29, 2008, and are to remain under seal until further order of this court.

The remainder of petitioner's application, pertaining to Exhibits 143, 146, and 150, is denied without prejudice to its renewal upon petitioner's compliance with California Rules of Court, rule 8.160(e)(2). Unless within 10 days after the date of this order petitioner notifies the Clerk that these documents should be filed publicly, the Clerk is directed to return them to counsel for petitioner. (Cal Rules of Court, rule 8.160(e)(7).)

**S117235****LEWIS, JR., (ROBERT) ON  
H.C.**

Reference hearing ordered

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable J. Stephen Czuleger, Presiding Judge of the Superior Court of California, County of Los Angeles, is to select a Judge of the Superior Court of California, County of Los Angeles, to sit as a referee in this proceeding and promptly notify this court of the referee selected. After appointment by this court, the referee is to take evidence and make findings of fact on the following questions regarding the case of *People v. Robert Lewis, Jr.* (Los Angeles County Superior Court No. A027897, Judge Elsworth M. Beam):

1. Is petitioner mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304 and *In re Hawthorne* (2005) 35 Cal.4th 40?
2. What actions did petitioner's trial counsel, Ron Slick, take to investigate potential evidence that could have been presented in mitigation at the penalty phase of petitioner's trial? What were the results of that investigation? Was that investigation conducted in a manner to be expected of reasonably competent attorneys acting as diligent advocates? If not, in what respects was it inadequate?
3. If trial counsel's investigation was inadequate, what additional information would an adequate investigation have disclosed? How credible was this evidence? What investigative steps would have led to this additional evidence?
4. Did trial counsel's penalty phase investigation include investigation into petitioner's mental retardation and learning disabilities, the negative effects of petitioner's institutionalization, petitioner's family history, and his good character?
5. What, if any, social history information did petitioner's trial counsel provide to defense psychiatrist Kaushal Sharma and defense psychologist Michael Maloney? When was that information provided?
6. After conducting an adequate investigation of the circumstances in mitigation of penalty, would reasonably competent attorneys acting as diligent advocates have introduced evidence in mitigation at the penalty phase of trial? What rebuttal evidence reasonably would have been available to the prosecution?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, the evidence adduced, and the findings of fact made.

**S166811**

Petition denied

(accusation)

**FORD, ACCUSATION OF**

**S167301**

Petition denied

(accusation)

**MUHAMMAD, ACCUSATION OF**

**S167585**

Petition denied

(accusation)

**HALLIGAN, ACCUSATION OF**

**S167638**

Petition denied

(accusation)

**RICE, ACCUSATION OF**

**S167767**

**ACCUSATION**

Petition denied

(accusation)

**MAROZAYTE,  
OF**

**S167773**

Petition denied

(accusation)

**DERRITT, ACCUSATION OF**

**S167796**

Petition denied

(accusation)

**BISORDI, ACCUSATION OF**

**S167809**

Petition denied

(accusation)

**WEATHERSBY, JR.,  
ACCUSATION OF**

**S167923**

Petition denied

(accusation)

**BARKLEY, ACCUSATION OF**

**S167939**

Petition denied

(accusation)

**PADILLA, ACCUSATION OF**

**S167956**

Petition denied (accusation)

**DUVAL, ACCUSATION OF****S167957**

Petition denied (accusation)

**MENDOZA, ACCUSATION OF****S168009**

Petition denied (accusation)

**LIGHTNER, ACCUSATION OF****S168039**

Petition denied (accusation)

**HAWKINS, ACCUSATION OF****S168072**

Petition denied (accusation)

**GUILLEN, ACCUSATION OF****S167423**

Recommended discipline imposed

It is ordered that RICHARD E. ORIAKHI, State Bar No. 193797, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 12, 2008. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**ORIAKHI ON DISCIPLINE****S167425**

Recommended discipline imposed: disbarred

It is hereby ordered that DAWNA SCOTT ANDERSEN, State Bar No. 186874, be summarily disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days,

**ANDERSEN ON DISCIPLINE**

respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S167428****LEVINE ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that MARC BRANDON LEVINE, State Bar No. 149349, be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 45 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S147429****SEITEL ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that LOEL HARRIS SEITEL, State Bar No. 192999, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S167430****RIFKIN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that HOWARD LAWRENCE RIFKIN, State Bar No. 82671, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months, as recommended by the Hearing Department of the State Bar Court in its decision filed on July 28, 2008, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation,

fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S167431****PASSENHEIM ON  
DISCIPLINE**

Recommended discipline imposed

It is ordered that PATRICK M. PASSENHEIM, State Bar No. 140752, be suspended from the practice of law for four years, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for thirty months and until he makes restitution to Terry Vafiadi in the amount of \$950 plus 10 percent interest per annum from February 27, 2004 (or to the Client Security Fund to the extent of any payment from the fund to Vafiadi, plus interest and costs, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof thereof to the State Bar's Office of Probation and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 14, 2008. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) He is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2010, 2011, and 2012. It is further ordered that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of

costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S168903****BORN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of TIMOTHY ROGER BORN, State Bar No. 56589, as a member of the State Bar of California is accepted.

**S168904****DUNCAN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of PAMELA HOLMES DUNCAN, State Bar No. 104379, as a member of the State Bar of California is accepted.

**S168905****FINEBERG ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of RICHARD FINEBERG, State Bar No. 70824, as a member of the State Bar of California is accepted.

**S168906****FULLERTON ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of SHAWNA LEIGH FULLERTON, State Bar No. 211730, as a member of the State Bar of California is accepted.

**S168907****HASKELL ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of JAMES WRIGHT HASKELL, State Bar No. 68988, as a member of the State Bar of California is accepted.

**S168909****SLOME ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of ANSEL ANTHONY SLOME, State Bar No. 85304, as a member of the State Bar of California is accepted.

**B211230**                      Second Appellate District, Div. 6                      **PEOPLE v. SMITH (LASHUN SHERI)**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Six to Division Five.

**B211234**                      Second Appellate District, Div. 8                      **PEOPLE v. SMITH (LASHUN SHERI)**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Eight to Division Five.