SUPREME COURT MINUTES
THURSDAY, FEBRUARY 6, 2003
SAN FRANCISCO, CALIFORNIA

S094627
D034189 Fourth Appellate District, Division One

PEOPLE v. ROBERGE
Opinion filed: Judgment affirmed in full

Majority Opinion by Kennard, J.
----------joined by George C.J., Baxter, Werdegar, Chin, Brown & Moreno, JJ.

S102249
A093139 First Appellate District, Division One

GARDNER v. COUNTY OF SONOMA
Opinion filed: Judgment affirmed in full

Majority Opinion by Baxter, J. ----------
joined by George, C.J., Kennard, Werdegar, Chin, Brown, Moreno, JJ.

S111931
A098037 First Appellate District, Division Three

GREENLINING INSTITUTE v. P.U.C. (PACIFIC BELL)
Time extended to grant or deny review

to and including March 7, 2003, or the date upon which review is either granted or denied.

S112034
H021885 Sixth Appellate District

PEOPLE v. IHRIG
Time extended to grant or deny review

To March 11, 2003.

S112073
H025162 Sixth Appellate District

GREGO (LOUIS, IN RE
Time extended to grant or deny review

to and including March 12, 2003.

S112201
D039196 Fourth Appellate District, Division One

PEOPLE v. SAMPLES
Time extended to grant or deny review

to and including March 14, 2003, or the date upon which review is either granted or denied.

S112284
E031213 Fourth Appellate District, Division Two

P. (ATHENA), IN RE
Time extended to grant or deny review

To March 20, 2003.

S012279

PEOPLE v. LUCAS (DAVID A.)
Extension of time granted

to 4/1/2003 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Thomas Lundy's representation that he anticipates filing that brief by 4/30/2003.

S024416

PEOPLE v. CLEVELAND AND VEASLEY
Extension of time granted

to 4/4/2003 to appellant VEASLEY to file appellant's reply brief. After that date, only one further extension totaling about 60 additioal days will be granted. Extension is granted based upon counsel David Joseph Macher's representation that he anticipates filing that brief by 6/3/2003.

S027264

PEOPLE v. FRIEND (JACK W.)
Extension of time granted

to 4/4/2003 to file appellant's opening brief. The court anticipates that after that date, only five further extensions totaling 300 additional days will be granted. Counsel is ordered to inform his her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S042224 PEOPLE v. CRUZ (THOMAS V.)
Extension of time granted

to 4/1/2003 to file respondent's brief. After that date, only two further extensions totaling about 90 additional days are contemplated. Extension is granted based upon Deputy Attorney General Ross C. Moody's representation that he anticipates filing that brief by 6/29/2003.

S045060 PEOPLE v. LOKER (KEITH T.)
Extension of time granted

to 4/7/2003 to file appellant's opening brief. The court anticipates that after that date, no further extension will be granted. Cousnel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any seperate counsel of record, of this schedule, and to take all steps necessry to meet it.

S049596 PEOPLE v. BRYANT, SMITH & WHEELER
Extension of time granted

to 4/11/2003 to appellant BRYANT to file appellant's opening brief. The court anticipates that after that date, only four further extensions totaling 240 additional days will be granted. Counsel is ordered to inforn his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and to take all steps necessary to meet it.

S064415 PEOPLE v. BRAMIT (MICHAEL L.)
Extension of time granted

to 4/15/2003 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if

any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S105762
B148379 Second Appellate District, Division Four

PEOPLE v. FLORES
Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file Appellant's Reply Brief on the Merits is extended to and including February 10, 2003.

S107355
A096012 First Appellate District, Division Five

LAMUSGA, MARRIAGE OF
Extension of time granted

To February 11, 2003 to file Respondent's Reply Brief on the Merits.

S107782

WELCH (DAVID E.) ON H.C.
Extension of time granted

to 3/5/2003 to file informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Catherine Rivlin's representation that she anticipates filing that document by 4/3/2003.

S111341
C037717 Third Appellate District

PEOPLE v. BILLA
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Scott Concklin is hereby appointed to represent appellant on his appeal now pending in this court. Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S111494
D037680 Fourth Appellate District, Division One

PEOPLE v. KONOW
Counsel appointment order filed

Marianne Harguindeguy Cox is hereby appointed to represent respondent Daniel O'Neil on his appeal now pending in this court. Respondent's Opening brief on the Merits shall be served and filed on or before 30 days from the date of this order.

S111494
D037680 Fourth Appellate District, Division One

PEOPLE v. KONOW
Counsel appointment order filed

The Appellate Defenders Inc., is hereby appointed to represent respondent Amy Toosley on her appeal now pending in this court. Respondent's Opening Brief on the Merits shall be served and filed on or before 30 days from the date of this order.

S111494
D037680 Fourth Appellate District, Division One

PEOPLE v. KONOW
Counsel appointment order filed

Michael J. McCabe is hereby appointed to represent respondent Carolyn Konow on her appeal now pending in this court. Respondent's Opening Brief on the Merits shall be served and filed on or before 30 days from the date of this order.

B157952 Second Appellate District, Division Six

PEOPLE v. HARRIS
Order filed

The time for granting review on the court’s own motion is hereby extended to and including March 19, 2003. (Cal. Rules of Court, rule 28(a)(1).)

S113041

HAYNES ON REINSTATEMENT
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar Court, it is ordered that Anthony Cornelius Haynes be reinstated as a member of the State Bar of California upon his paying the fees and taking the oath required by law.

S111512

HARPER ON DISCIPLINE
Recommended discipline imposed

It is ordered that GREGORY HARPER, State Bar No. 146119, 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, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 19, 2002. It is also 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.) It is further ordered that he comply with rule 955 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 calendar 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 payable in accordance with Business & Professions Code section 6140.7.

S111514

HOLOBOSKI ON DISCIPLINE
Recommended discipline imposed: disbarred

S111515

DONATO ON DISCIPLINE
Recommended discipline imposed

It is ordered that JAY WESLEY DONATO, State Bar No. 153301, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years as recommended by the Hearing Department of the State Bar Court in its decision filed on August 27, 2002; 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; and until he provides proof to the satisfaction of the State Bar Court 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. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent 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.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S111525

OLLER ON DISCIPLINE
Recommended discipline imposed

It is ordered that RAMON OLLER, State Bar No. 123400, 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 one year and until he makes restitution to

Francisco Vilchis Mondragon (or the Client Security Fund, if appropriate) in the amount of $5330 plus 10% interest per annum from October 31, 1995, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed September 11, 2002; 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 shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice 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 during the period of his actual suspension. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this orde Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S112959

CADWELL ON RESIGNATION
Resignation accepted with disc. proceeding pending