SUPREME COURT MINUTES
FRIDAY, MAY 27, 2005
SAN FRANCISCO, CALIFORNIA

S132647
B171938 Second Appellate District, Division Four

PEOPLE v. PARSEE
Time extended to grant or deny review

to June 30, 2005

S132667
G032575 Fourth Appellate District, Division Three

PEOPLE v. HERNANDEZ
Time extended to grant or deny review

to June 30, 2005

S046848

PEOPLE v. DALTON (KERRY LYN)
Extension of time granted

to August 1, 2005 to file appellant's opening brief. After that date, only three further extensions totaling about 150 additional days will be granted. Extension is granted based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing that brief by 12/24/2005.

S048440

PEOPLE v. LIGHTSEY (CHRISTOPHER)
Extension of time granted

to July 29, 2005 to file appellant's opening brief. After that date, only five further extensions totaling about 300 additional days are contemplated. Extension is granted based upon counsel Erik N. Larson's representation that he anticipates filing that brief by 5/29/2006.

S055528

PEOPLE v. BARNWELL (LAMAR)
Extension of time granted

to July 29, 2005 to file appellant's reply brief. After that date, only three further extensions totaling about 180 additional days will be

granted. Extension is granted based upon Supervising Deputy Supervising Deputy State Public Defender Jessica K. McGuire's representation that she anticipates filing that brief by 1/25/2006.

S062180 PEOPLE v. VALDEZ (RICHARD)
Extension of time granted

to August 1, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 240 additional days will be granted. Extension is granted based upon Deputy State Public Defender Raoul Schonemann's representation that he anticipates filing that brief by 4/1/2006.

S064733 PEOPLE v. ABEL (JOHN C.)
Extension of time granted

to July 29, 2005 to file appellant's opening brief. After that date, only five further extensions totaling about 300 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kate Johnston's representation that she anticipates filing that brief by 6/2006.

S076175 PEOPLE v. LOY (ELOY)
Extension of time granted

to August 1, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 240 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Marianne D. Bachers's representation that she anticipates filing that brief by 3/1/2006.

S128874

COLE (STEPHEN) ON H.C.
Extension of time granted

to June 30, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Richard P. Siref's representation that he anticipates filing that brief by 6/30/2005. After that date, no further extension will be granted.

S058734

PEOPLE v. HOLMES, MCCLAIN & NEWBORN
Order filed

The order filed on May 18, 2005, is amended to read as follows:

Appellant McClain's "Motion to Vacate Certification or, in the Alternative, To Correct, Augment, and Settle the Record on Appeal," filed January 18, 2005, is granted in part and denied in part.

To the extent the motion seeks to augment the record to include a minute order dated May 9, 1994, regarding the amendment of dates of indictment of codefendant Bowen, a minute order dated May 9, 1994, regarding the amendments of dates on indictment of codefendant Bailey, and a motion filed pursuant to Penal Code section 995 by codefendant Bowen on February 21, 1995, as set forth on page 8 of the motion, the motion is granted. The clerk of the Superior Court of Los Angeles is directed to prepare a supplemental clerk's transcript to include these three documents.

To the extent that the motion seeks correction and settlement in the superior court with regard to exhibit 11 referred to on page 272-C in the clerk's transcript, and exhibits 18/18-A, 22/22-A, 22-C/22-C-1, 28/28-A, 47-A/47-A-1, 47-B, 76/76-A, 77, and H/H-1 in the reporter's transcript, as set forth on pages 17–19 of the motion, the motion is granted. The clerk of this court is directed to transmit volumes II and III of the clerk's transcript, and volumes 16, 17, 18, 19, 24, 26, 30, and 31 of the reporter's transcript, and the master index of the reporter's transcript of the original record on appeal to the

clerk of the superior court. The superior court is directed to conduct a hearing or hearings to correct and settle the record with regard to the exhibits as requested in the motion; to order such corrections as may be necessary; to order the preparation of clerk's and reporter's transcripts relating to the hearing or hearings conducted; to provide each of the parties an opportunity to review any such corrections and any such clerk's and reporter's transcripts; and to make the certification required by Rule 35.1(d) of the California Rules of Court, to be completed on or before June 30, 2005. The clerk of the superior court is directed to transmit to this court the original of the clerk's and reporter's transcripts relating to any hearing or hearings conducted and any corrections or settled statements ordered, and to retransmit to this court the original of the record on appeal, within 10 days of the certification required by rule 35.1(d).

In all other respects the motion is denied.

On the court's own motion, the clerk of the superior court is directed to supplement the record to include pages 559–568 of the clerk's transcript, volume III, currently missing from the record.

S119046

RONO, LLC v. ALTUS FINANCE
Order filed

The request of Defendant's and Appellant's to allocate to James P. Clark 15 minutes and James E. Lyons 15 minutes of Defendant's and Appellant's 30-minutes allotted time for oral argument is granted.

S132280

HEIM ON DISCIPLINE
Recommended discipline imposed

It is ordered that **JON S. HEIM**, **State Bar No. 105808**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation,

including five months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 20, 2005. 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.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132283

VARGAS ON DISCIPLINE
Recommended discipline imposed

It is ordered that **EDWARD ELIGIO VARGAS**, **State Bar No. 135697**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also 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 February 9, 2005. 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 pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2006 and 2007.

S132285

ROTHBAUM ON DISCIPLINE
Recommended discipline imposed: disbarred

It is hereby ordered that **CHARLES J. ROTHBAUM**, **State Bar No. 54450**, 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 955 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.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S132286

CHRISTENSON ON DISCIPLINE
Recommended discipline imposed

It is ordered that **G. SCOTT CHRISTENSON**, **State Bar No. 135434**, 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 60 days and until he makes restitution to Sunita Dhingra (or the Client Security Fund, if appropriate) in the amount of $5,000 plus 10% interest per annum from December 2, 2002, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on December 23, 2004; 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 respondent's actual suspension, whichever is longer. (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 payable in accordance with Business and Professions Code section 6140.7.

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