

10-17-1952

Hanchett v. Lehman [DISSENT]

Jesse W. Carter
Supreme Court of California

Follow this and additional works at: http://digitalcommons.law.ggu.edu/carter_opinions

 Part of the [Constitutional Law Commons](#)

Recommended Citation

Carter, Jesse W., "Hanchett v. Lehman [DISSENT]" (1952). *Jesse Carter Opinions*. Paper 363.
http://digitalcommons.law.ggu.edu/carter_opinions/363

This Opinion is brought to you for free and open access by the The Jesse Carter Collection at GGU Law Digital Commons. It has been accepted for inclusion in Jesse Carter Opinions by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

ch. 7] p. 15), but, having failed to take the required oath, he is not entitled to compensation for any subsequent period.

Insofar as petitioner seeks payment of salary or other relief for any period subsequent to 30 days after October 3, 1950, the application is denied. Let a writ of mandate issue for the limited purpose of directing payment of petitioner's salary up to and including 30 days after October 3, 1950.

CARTER, J.—I dissent.

For the reasons stated in my dissenting opinion in *Pockman v. Leonard*, this day filed, *ante*, p. 676 [249 P.2d 267], I would issue a writ of mandate as prayed for in the petition.

Petitioner's application for a rehearing was denied November 14, 1952. Carter, J., was of the opinion that the petition should be granted.

[39 C.2d 890; 249 P.2d 290]

[S. F. No. 18346. In Bank. Oct. 17, 1952.]

EDWARD L. HANCHETT, Petitioner, v. RALPH H. LEHMAN, as Principal of the High School of Commerce et al., Respondents.

PROCEEDING in mandamus to compel reinstatement of probationary teacher discharged for failure to take oath required by Gov. Code, §§ 3100-3109. Writ granted in part.

Wayne M. Collins for Petitioner.

Dion R. Holm, City Attorney (San Francisco), Walker Peddicord, Deputy City Attorney, Irving G. Breyer, M. P. McCaffery and Frank P. Mack, Jr., for Respondents.

THE COURT.—This original proceeding in mandamus was brought by a probationary teacher employed by the San Francisco Unified School District. The issues raised are identical with those in *Pockman v. Leonard*, *ante*, p. 676 [249 P.2d 267], this day decided, and on the authority of that case petitioner is entitled to payment of compensation for services rendered up to and including 30 days following October 3, 1950, the effective date of sections 3100-3109 of the Government Code (Stats. 1951 [3d Ex. Sess. 1950, ch. 7] p. 15), but, having failed to take the required oath, he is not entitled to compensation for any subsequent period.

Insofar as petitioner seeks payment of salary or other relief for any period subsequent to 30 days after October 3, 1950, the application is denied. Let a writ of mandate issue for the limited purpose of directing payment of petitioner's salary up to and including 30 days after October 3, 1950.

CARTER, J.—I dissent.

For the reasons stated in my dissenting opinion in *Pockman v. Leonard*, this day filed, *ante*, p. 676 [249 P.2d 267], I would issue a writ of mandate as prayed for in the petition.

Petitioner's application for a rehearing was denied November 14, 1952. Carter, J., was of the opinion that the petition should be granted.

[39 C.2d 891; 250 P.2d 246]

[L. A. No. 22311. In Bank. Nov. 21, 1952.]

CITY OF CULVER CITY et al., Petitioners, v. SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent.

PROCEEDING to review an order of the Superior Court of Los Angeles County denying motion to remit previously ordered punishment for contempt of court. Order modified to remit previously ordered punishment.

M. Tellefson, City Attorney, and E. L. Searle for Petitioners.

Edmund G. Brown, Attorney General, and Howard S. Goldin, Deputy Attorney General, for Respondent.

THE COURT.—For the reasons stated in our opinion in *City of Vernon v. Superior Court*, this day filed, *ante*, p. 839 [— P.2d —], the superior court order under review is modified to remit the previously ordered punishment.

CARTER, J.—I concur in the conclusion reached for the same reasons as stated in my concurring opinion in *City of Vernon v. Superior Court*, this day filed, *ante*, p. 844 [250 P.2d 241].

Respondent's petition for a rehearing was denied December 18, 1952. McComb, J. pro tem., acting in place of Shenk, J., disqualified.