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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

GABRIEL R. MURRIETA,

Defendant and Appellant.

B261510

(Los Angeles County
Super. Ct. No. KA091731)

APPEAL from an order of the Superior Court of Los Angeles County, Jack P. Hunt, Judge. Dismissed.

Law Offices of Richard Fitzer and Richard L. Fitzer for Defendant and Appellant.

Kamala Harris, Attorney General, Lance Winters, Senior Assistant Attorney General, and Steven E. Mercer, Deputy Attorney General, for Plaintiff and Respondent.

On January 7, 2015, the sentence recall petition filed by defendant, Gabriel Ruben Murrieta, pursuant to Penal Code section 1170.18, subdivision (a) was denied. On April 24, 2015, in response to a record correction order, the trial court reconsidered its January 7, 2015 order. The trial court then granted the sentence recall petition. We noted it appeared the appeal from the January 7, 2015 order was therefore moot. (*In re Miranda* (2011) 191 Cal.App.4th 757, 762; *In re Brown* (2013) 218 Cal.App.4th 1216, 1221, fn. 4.) We have duty to raise the issue of our own jurisdiction on our own motion. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Olson v. Cory* (1983) 35 Cal.3d 390, 398.) Hence, we issued an order to show cause concerning possible dismissal and place the matter on calendar.

All of the relief sought by defendant in connection with this sentence recall petition has been provided in the trial court's April 24, 2015 order. Thus, there is no effectual relief we can grant to defendant and his appeal is moot. (*Eye Dog Foundation v. State Board of Guide Dogs for the Blind* (1967) 67 Cal.2d 536, 541; *Consolidated Vultee Aircraft Corp. v. United Automobile, etc., Workers* (1946) 27 Cal.2d 859, 863.) Additionally, because the appeal is moot, we need not rule on defendant's augmentation motion.

The appeal is dismissed.

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TURNER, P. J.

We concur:

KRIEGLER, J.

KIRSCHNER, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.