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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ADOLFO SANTIAGO VALLE,

Defendant and Appellant.

B293890

(Los Angeles County
Super. Ct. No. NA010814)

APPEAL from an order of the Superior Court of Los Angeles County. Laura Laesecke, Judge. Affirmed.

Miles Clark III, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and Rama R. Maline, Deputy Attorneys General, for Plaintiff and Respondent.

MEMORANDUM OPINION

Defendant Adolfo Santiago Valle appeals the trial court's denial of his motion pursuant to Penal Code section 1473.7 to vacate a 1992 plea of guilty to violating Health and Safety Code section 11351. He argued he was not properly warned about possible immigration consequences from his plea. The trial court held a hearing on the motion, and Valle testified his counsel at the time did not discuss with him immigration consequences of his plea. Valle introduced three exhibits, including the probation report for his original conviction and a declaration from his original attorney in 1992, Michelle Douglas. The prosecutor also introduced a declaration from Douglas.

The trial court relied on these three documents in denying the motion. It found the probation report "particularly illuminating," discussed its content at length, and noted it contained a statement that the "probation officer has filed the necessary paperwork with the Department of Immigration and Naturalization informing them of the defendant's conviction in the instant matter." The court found Valle's testimony not credible.

Valle has not included the probation report or two declarations from Douglas in the appellate record. We have inquired with the trial court and have been informed the court does not have the exhibits in its custody. Our review of the court's order and Valle's arguments is therefore impossible. Having failed to provide an adequate record, Valle has not carried his burden to show reversible error. (*Jameson v. Desta* (2018) 5 Cal.5th 594, 609.)

DISPOSITION

The order is affirmed.

BIGELOW, P. J.

We concur:

STRATTON, J.

WILEY, J.