

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

KIILU NEEMA WASHINGTON,

Defendant and Appellant.

B266236

(Los Angeles County
Super. Ct. No. A978468)

APPEAL from an order of the Superior Court of Los Angeles County, Dennis J. Landin, Judge. Dismissed.

A. William Bartz, Jr. for Defendant and Appellant.

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

Defendant, Kiilu Neema Washington, has appealed from an order denying his post-judgment request presented in the form of a habeas corpus petition to modify his sentence. We recognized we may not have jurisdiction over defendant's appeal. We have a duty to raise issues concerning our jurisdiction on our own motion. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126; *Olson v. Cory* (1983) 35 Cal.3d 390, 398.) We thus issued an order to show cause concerning potential dismissal of his appeal. We invited briefing and placed the matter on calendar.

Defendant is appealing from a nonappealable order. (*People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 709 disapproved on another point in *People v. Green* (1980) 27 Cal.3d 1, 34-35 ["a judgment or order is not appealable unless expressly made so by statute"]; *Skaff v. Small Claims Court* (1968) 68 Cal.2d 76, 78 ["a party possesses no right of appeal except as provided by statute"].) In every material respect, defendant's paperwork resembles a habeas corpus petition. In fact, defendant has entitled his pleading as a habeas corpus petition. The denial of a habeas corpus petition is not appealable. (*In re Clark* (1993) 5 Cal.4th 750, 767, fn. 7; *In re Hochberg* (1970) 2 Cal.3d 870, 876, disapproved on other grounds in *In re Fields* (1990) 51 Cal.3d 1063, 1070, fn. 3.)

Finally, we respectfully disagree with defendant's contention that we should construe the appeal to be a habeas corpus proceeding. Defendant is represented by exceptionally well qualified and experienced counsel. If there is a litigable issue

concerning the validity of defendant's conviction or sentence, a habeas corpus petition should promptly be filed and will be expeditiously considered by this court.

The appeal is dismissed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

TURNER, P. J.

We concur:

KRIEGLER, J.

BAKER, J.