

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

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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.

OMAR BILLY GODINES,

Defendant and Appellant.

B265143

(Los Angeles County
Super. Ct. No. LA026792)

APPEAL from an order of the Los Angeles Superior Court, Hayden A. Zacky,
Judge. Dismissed.

Russell S. Babcock, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant, Omar Billy Godines, purports to appeal from an order denying his motion to be resentenced. The resentencing petition is not one authorized by Penal Code sections 1170.18 or 1170.126. We recognized this might not be an appealable order. 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 and placed the matter on calendar.

We do not have jurisdiction over this appeal. The denial of a motion to be resentenced because of errors occurring at trial is ordinarily nonappealable. (*People v. Banks* (1959) 53 Cal.2d 370, 378; *People v. Gallardo* (2000) 77 Cal.App.4th 971, 980.) In all respects, defendant's paperwork resembles a habeas corpus petition. Defendant filed a petition dated January 25, 2015, for resentencing under *Apprendi v. New Jersey* (2000) 530 U.S. 466, 490. Defendant also cited *People v. Vargas* (2014) 59 Cal.4th 635, 637. 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.)

The appeal is dismissed.

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TURNER, P.J.

We concur:

KRIEGLER, J.

BAKER, J.