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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Petitioner,

v.

THE SUPERIOR COURT OF SAN FRANCISCO CITY AND COUNTY,

Respondent;

ALEXIS ARGUETA,

Real Party in Interest.

A143549

(San Francisco City and County Super. Ct. No. 14019458 & Super Ct. Appellate Div. Writ No. 7839)

BY THE COURT:¹

Petitioner has challenged the trial court's order deferring the entry of judgment and sentencing in case No. 14019458. Petitioner unsuccessfully sought writ relief in the superior court appellate division, and now seeks writ relief from this court.

Our review of the parties' briefs and the record lead us to conclude that petitioner is plainly entitled to writ relief because the trial judge is without discretion to dismiss the criminal charges under Penal Code section 1385 after accepting defendant's no-contest plea. (See *People v. Superior Court* (1972) 26 Cal.App.3d 668, 670-671.)

¹ Before Richman, Acting P.J., Stewart, J., and Miller, J.

In accordance with our notification to the parties that we might do so, we will direct issuance of a peremptory writ in the first instance. (*See Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 177-180.) Petitioner's right to relief is obvious, and no useful purpose would be served by issuance of an alternative writ, further briefing and oral argument. (*Ng. v. Superior Court* (1992) 4 Cal.4th 29, 35; see also *Lewis v. Superior Court* (1999) 19 Cal.4th 1232, 1236-1237, 1240-1241.)

Let a peremptory writ of mandate issue directing the superior court appellate division to vacate its November 14, 2014 order denying petitioner's petition for writ of mandate and to issue a new and different order granting the petition, and further directing the superior court, in *People v. Argueta*, case No. 14019458, to rescind the deferred entry of judgment agreement and permit defendant to withdraw his no-contest plea.

This decision shall be final as to this court five (5) court days after its filing. (Cal. Rules of Court, rule 8.490(b)(2)(A).)