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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.

ALBERTO REYES,

Defendant and Appellant.

B242469

(Los Angeles County
Super. Ct. No. VA098942)

APPEAL from an order of the Superior Court of Los Angeles County, Marcelita V. Haynes, Judge. Dismissed.

Richard Lennon and Ann Krausz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant purports to appeal from an order denying a motion to vacate a January 9, 2007 judgment on grounds he received ineffective assistance of counsel prior to his plea. We issued an order to show cause re dismissal on September 7, 2012. Defendant failed to secure a certificate of probable cause. As a result, the appeal must be dismissed. (Pen. Code, § 1237.5; Cal. Rules of Court, rule 8.304(b); *People v. Stubbs* (1998) 61 Cal.App.4th 243, 244-245; see *People v. Mendez* (1999) 19 Cal.4th 1084, 1097-1098 & fn. 5.)

The appeal is dismissed.

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TURNER, P.J.

We concur:

KRIEGLER, J.

FERNS, J.*

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