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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

H.L.,

Defendant and Appellant.

E060896

(Super.Ct.No. FELSS1304200)

OPINION

APPEAL from the Superior Court of San Bernardino County. Lorenzo Balderrama, Judge. Appeal dismissed.

Richard Schwartzberg, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, Arlene A. Sevidal, and Elizabeth M. Carino, Deputy Attorneys General, for Plaintiff and Respondent.

Following certification by the Board of Parole Hearing (BPH) that she fit the criteria set forth in Penal Code section 2962 of being a Mentally Disordered Offender (MDO), defendant, H.L., challenged that certification in the trial court. Following a trial, during which defendant was called to testify by the People, without objection, and during which defense counsel did not object to any question of the prosecutor on the ground that the answer would tend to incriminate her client, the jury found true that defendant was an MDO as of the date she was found to be so by the BPH. The trial court ordered that she remain committed to the Department of State Hospitals as an MDO, to be returned to Patton State Hospital. Defendant appealed, claiming she had rights not to be compelled to testify and against self-incrimination, which were violated by her being called as a witness by the People, requiring reversal of the court's order. While this case was pending before this court, during her annual review hearing, defendant was released to outpatient treatment (Conditional Release Program), of which we have taken judicial notice.

Because defendant is no longer committed pursuant to the order which she challenges in this appeal, her appeal is moot. Any decision we would reach on defendant's claims on appeal would have no affect whatsoever on her, therefore we shall dismiss her appeal. (*People v. Gregerson* (2011) 202 Cal.App.4th 306, 321.)

#### **DISPOSITION**

Defendant's appeal is dismissed.

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RAMIREZ  
P. J.

We concur:

HOLLENHORST  
J.

MILLER  
J.