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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

RODRIGO MARTINEZ MARTINEZ,

Defendant and Appellant.

H036687

(Santa Clara County
Super. Ct. No. 156569)

Defendant Rodrigo Martinez Martinez brought this appeal to challenge an order by the trial court denying his motion to set aside a plea and conviction entered in 1992. In our original decision we affirmed the challenged order, concluding that defendant was unable to establish that he was prejudiced by the failure to advise him of the immigration consequences of his 1992 plea. (*People v. Martinez* (Dec. 9, 2011, H036687) [nonpub. opn.].) Thereafter the Supreme Court granted review and reversed our judgment with directions to reverse the judgment of the trial court “and remand the matter to that court for further proceedings in accordance with our opinion here.” (*People v. Martinez* (2013) 57 Cal.4th 555, 569.) In compliance with that directive we hereby reverse the order denying the motion to set aside the plea.

DISPOSITION

The order denying defendant's motion to set aside the plea is reversed with directions to conduct further proceedings in accordance with the Supreme Court's opinion.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.