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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE CARMEN ALAVARADO
AGUIRRE,

Defendant and Appellant.

H040145
(Monterey County
Super. Ct. No. SS131535)

Defendant Jose Carmen Alavarado Aguirre’s suppression motion was denied, and he pleaded guilty to possession of a controlled substance (Health & Saf. Code, § 11350) on the condition that he be granted deferred entry of judgment. The court accepted his plea and granted him deferred entry of judgment. Defendant then filed a notice of appeal from the denial of his suppression motion. His appointed counsel filed an opening brief that purported to be authorized under *People v. Wende* (1979) 25 Cal.3d 436, but he admitted that deferred entry of judgment “is not appealable.”

Since there was no appealable order or judgment, we are compelled to dismiss the appeal. In *People v. Mazurette* (2001) 24 Cal.4th 789 (*Mazurette*), the defendant’s suppression motion was denied, he pleaded no contest, and the court granted deferred entry of judgment. The defendant then appealed, and his appellate counsel filed a *Wende* brief. (*Mazurette*, at pp. 791-792.) The Court of Appeal dismissed the appeal, and the

California Supreme Court upheld that decision on the ground that there was no appealable order or judgment. (*Mazurette*, at pp. 793-796.)

The purported appeal is dismissed.

Mihara, J.

WE CONCUR:

Premo, Acting P. J.

Elia, J.