

JUL 29 2011

ALAN CARLSON, Clerk of the Court

[Signature]
BY J. GOMEZ

APPELLATE DIVISION
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

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6	PEOPLE OF THE STATE OF)	CASE NO. 30-2010-00408532
7	CALIFORNIA,)	
8	Plaintiff and)	JUDGMENT ON APPEAL
9	Respondent,)	from the
10	vs.)	SUPERIOR COURT
11	BILLINGS,)	of
12	Defendant and)	ORANGE COUNTY
13	Appellant.)	HARBOR JUSTICE CENTER
)	HON. MAX DE LIEMA
)	COMMISSIONER

14 The city prosecutor has acknowledged that until May 2, 2011,
 15 he did not possess formal prosecutorial authority via the consent
 16 of the District Attorney. (Government Code § 41803.5(a).) In the
 17 absence of proper authority for prosecution of the case, the trial
 18 court lacked jurisdiction to adjudicate the matter. (People v.
 19 Municipal Court for Ventura Judicial Dist. (Pellegrino) (1972) 27
 20 Cal.App.3d 193, 206; see also Menveg v. Municipal Court of Los
 21 Angeles Judicial Dist. (1964) 226 Cal.App.2d 569.)

22 The judgment is reversed, with direction that the charge be
 23 dismissed. Appellant's motion to strike is denied as moot.

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 25
 26 *Robert C. Gannon, Jr.*
 27 ROBERT C. GANNON, JR., Presiding Judge
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