

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION a

COURT OF APPEAL - SECOND DIST.

F I L E D

Sep 21, 2020

DANIEL P. POTTER, Clerk

DLEE

Deputy Clerk

THE PEOPLE,

Plaintiff and Respondent,

v.

CEDRIC C. WESTBROOK,

Defendant and Appellant.

B307081

(Super. Ct. No. A647746)

Los Angeles County

ORDER

THE COURT:

Cedric C. Westbrook was convicted by a jury of second degree murder with a finding that he used a firearm in the commission of the murder. On June 27, 1989, Westbrook was sentenced to a term of imprisonment 17 years to life. The judgment was affirmed in *People v. Westbrook* (Jan. 23, 1991, B045751) [nonpub. opn.].

On June 18, 2020, Westbrook filed an "independent equitable action for motion to set-aside the default" pursuant to Code of Civil Procedure section 473(b) [relief from judgment due to mistake, inadvertence, surprise, or excusable neglect in civil actions]. The motion contended that Westbrook should have received a sentence for manslaughter instead of second degree murder because the killing of the victim was unintentional.

NOV 24 2020

Court of Appeal, Second Appellate District - No. B307081 Jorge Navarrete Clerk

S265038

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

THE PEOPLE, Plaintiff and Respondent,

v.

CEDRIC C. WESTBROOK, Defendant and Appellant.

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

**Additional material
from this filing is
available in the
Clerk's Office.**