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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**THE PEOPLE,**

**Plaintiff and Respondent,**

**v.**

**RONALD R. ARATA,**

**Defendant and Appellant.**

**A135315**

**(Humboldt County  
Super. Ct. No. CR1105010)**

Defendant Ronald R. Arata pled guilty, pursuant to a negotiated disposition, to oral copulation of a child under age 14 by a person more than 10 years older than the child (Pen. Code, § 288a, subd. (c)(1))<sup>1</sup> and admitted two misdemeanor probation violations.<sup>2</sup> The court denied probation and sentenced defendant to eight years in state prison with a concurrent 18-month term on the probation violations. On appeal, his counsel has advised that examination of the record reveals no arguable issues. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.) Defendant has filed a supplemental brief on appeal. We conclude there are no arguable issues and affirm.

<sup>1</sup> All undesignated section references are to the Penal Code.

<sup>2</sup> Pursuant to the negotiated plea, a charge of continuous sexual abuse of a child (§ 288.5, subd. (a)) was dismissed.

## BACKGROUND<sup>3</sup>

The 15-year-old victim disclosed to police that she was sexually molested by the 39-year-old defendant, her stepfather, when she was between eight and 11 years old.

On January 6, 2012, after being properly admonished, defendant pled guilty, as noted above. The court found he violated his probation, which it revoked, and ordered a psychiatric report pursuant to section 288.1. Thereafter, Dr. Andrew Renouf, Ph.D, was appointed to examine defendant to assess defendant's risk to sexually reoffend and mental health treatment needs, and to make recommendations regarding probation.

In his February 2012 assessment report, Dr. Renouf concluded defendant was at low risk to reoffend, could be safely treated in a community setting, and was a good candidate for treatment. Dr. Renouf recommended that defendant participate in sex offender treatment and treatment for alcohol abuse, and have only supervised contact with minors to further limit his risk to reoffend.

The probation officer's March 2012 supplemental report recommended that defendant be granted probation with participation in sex offender and substance abuse treatment, in light of his low risk to reoffend, and because he was considered a good candidate for treatment. However, the report stated that since the victim had expressed a desire that defendant be sentenced to prison, a prison commitment should be reconsidered if defendant failed to comply with treatment efforts.

In denying probation, the court noted the vulnerability of the victim, defendant took advantage of a position of trust to commit the crime and inflict emotional injury, and defendant has an extensive prior criminal history that included grants of probation. The court sentenced defendant to the upper eight-year term with an 18-month concurrent term for the misdemeanor probation violations. Defendant was awarded 123 actual days of presentence credit plus 18 days of conduct credit (§ 2933.1, subd. (a)). The court informed defendant that following his release from prison, he was subject to a parole

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<sup>3</sup> The background facts are taken from the November 17, 2011 declaration by Detective Kyla Smith in support of an arrest warrant that, the parties stipulated, supplied a factual basis for defendant's plea.

term of 20 years 6 months. (§ 3000, subd. (b)(4)(A).) The court also imposed a \$40 court security fee (§ 1465.8); a \$1,920 restitution fine (§ 1202.4, subd. (b)); a \$1,920 parole revocation fee, suspended unless parole is revoked (§ 1202.45); and a \$30 criminal conviction assessment (Gov. Code, § 70373). Defendant was also ordered to register as a sex offender (§ 290).

*Defendant's Supplemental Brief*

In a supplemental brief defendant appears to argue the copy of the plea agreement relied on by his appellate attorney, David Bernstein (Bernstein), was not the plea agreement defendant entered into. He also requests substitute appellate counsel because Bernstein did not ask him questions about his case and because someone on the district attorney's staff is named Jack Bernstein and, therefore, he believes Bernstein has "other ties." Because appellant's claims are neither supported by citation to the appellate record nor by legal authority we will consider them waived. (Cal. Rules of Court, rules 8.204(a)(1)(B) & (C), 8.360(a); *Dietz v. Meisenheimer & Herron* (2009) 177 Cal.App.4th 771, 799-801; *Dabney v. Dabney* (2002) 104 Cal.App.4th 379, 384.)

Defendant was adequately represented at all stages of the proceedings. No arguable issue is shown.

DISPOSITION

The judgment is affirmed.

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SIMONS, J.

We concur.

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JONES, P.J.

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BRUINIERS, J.