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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(San Joaquin)

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THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID RAMOS BERNAL,

Defendant and Appellant.

C072782

(Super. Ct. No. LF012498A)

Appointed counsel for defendant David Ramos Bernal has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We shall affirm the judgment.

**BACKGROUND**

On April 2, 2012, the People filed an amended information charging defendant with 10 counts of lewd and lascivious acts on a child under 14 years of age (Pen. Code,<sup>1</sup> § 288, subd. (a)). It was alleged as to all counts that defendant committed the offense

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<sup>1</sup> Further undesignated statutory references are to the Penal Code.

against more than one victim (§ 667.61, subd. (e)(5)), that he had a prior conviction for a sexual offense (§ 667.71), that he had been convicted of a serious felony (§ 667, subd. (a)(1)) and a strike (§ 1170.12, subd. (b)), and that he was ineligible for probation because he had been convicted of violating section 288, subdivision (a), involving more than one victim (§ 1203.066, subds. (a)(5), (a)(7)).

On September 25, 2012, the People amended the information to charge continuous sexual abuse of a child under 14 years of age (§ 288.5, subd. (a)) as count 4. Defendant thereafter pled guilty to counts 4 and 9 and admitted the prior strike and the prior serious felony conviction, on the understanding that the remaining counts and allegations would be dismissed and he would receive a stipulated state prison term of 29 years.

The trial court recited the factual basis for the plea as follows: Defendant continuously abused victim N.D. (born in August 1997) sexually on or about the years 2001 through 2003. He committed a lewd act upon victim V.D. (born in December 1999) on or about the years 2006 through 2011. On or about April 16, 1991, in San Joaquin County Superior Court, he pled guilty to violating section 288, subdivision (a).

On November 5, 2012, the trial court imposed the stipulated 29-year prison term, consisting of 12 years on count 4, doubled to 24 years for the strike, plus five years for the prior serious felony. The court ran the sentence on count 9 (three years, doubled to six years for the strike) concurrent to count 4. The court awarded 699 days of presentence custody credit (608 days of actual credit and 91 days of conduct credit). The court imposed a \$240 restitution fine (§ 1202.4, subd. (b)) and a \$240 suspended parole revocation restitution fine (§ 1202.45), an \$80 court security fee (§ 1465.8), and a \$60 criminal conviction assessment (Gov. Code, § 70373).

## **DISCUSSION**

Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a

supplemental brief within 30 days of the filing date of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

**DISPOSITION**

The judgment is affirmed.

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DUARTE, J.

We concur:

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NICHOLSON, Acting P. J.

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MAURO, J.