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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

ARMANDO JACINTO MENA,

Defendant and Appellant.

E055404

(Super.Ct.No. FSB1103706)

OPINION

APPEAL from the Superior Court of San Bernardino County. Richard V. Peel,  
Judge. Affirmed.

Robert L.S. Angres, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Armando Jacinto Mena was charged by information with  
11 counts of lewd and lascivious acts upon a minor. (Pen. Code, § 288, subd. (a), counts

1-11.)<sup>1</sup> The information also alleged that there were multiple victims, within the meaning of section 667.61, subdivisions (b) and (e). The information was subsequently amended to add five counts of lewd and lascivious acts by use of force or violence. (§ 288, subd. (b)(1), counts 12-16.) Pursuant to a plea agreement, and against the advice of his counsel, defendant pled guilty to counts 12 through 16. In exchange, the trial court dismissed the remaining counts and sentenced defendant to 40 years in state prison, as agreed upon, and awarded 139 days of presentence custody credits (121 actual days and 18 conduct).

Defendant filed a handwritten notice of appeal on January 11, 2012, requesting a certificate of probable cause. On January 20, 2012, an amended notice of appeal was filed by counsel on behalf of defendant. The notice included a request for certificate of probable cause, which alleged that defendant was challenging the validity of his plea because he believed he did not receive good advice from his counsel regarding the plea and sentence. The trial court granted the request for certificate of probable cause. We affirm.

#### FACTUAL AND PROCEDURAL BACKGROUND

Defendant and his wife got into an argument one night. Defendant's wife left the house and took her two minor daughters with her. Her daughters then told her that defendant, who was their stepfather, had been sexually abusing them for several years. They also told her that defendant had been sexually abusing their cousin, as well.

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<sup>1</sup> All further statutory references will be to the Penal Code, unless otherwise noted.

Defendant's wife confirmed with their cousin that defendant had been sexually abusing her. The cousin's father contacted the police and drove the three girls to the police station to be interviewed.

Defendant was charged with and admitted that he committed lewd and lascivious acts by use of force or violence. (§ 288, subd. (b)(1).)

### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, but no potential arguable issues. Counsel has also requested this court to undertake a review of the entire record.

We note counsel's assertion that the record contains a clerical error. Counsel states that, since the oldest complaining witness had reached the age of 18 at the time of judgment, the court's order pursuant to section 1202.05, subdivision (a), prohibiting visitation between defendant and the victims, "should not have extended to this person." Section 1202.05, subdivision (a), provides that, whenever a person is sentenced to prison and the victim is a child under the age of 18 years, the court "shall prohibit all visitation between the defendant and the child victim." Accordingly, the court here ordered that "all visitation be prohibited between the defendant and the *child victims* in this matter." (Italics added.) Since the oldest victim was 18 years old at the time of judgment, the order did not apply to her. Thus, there is no apparent error in the order.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST  
J.

We concur:

RAMIREZ  
P. J.

KING  
J.