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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.

GERARDO ROMERO ZACATENCO,

Defendant and Appellant.

E058053

(Super.Ct.No. RIF1203983)

OPINION

APPEAL from the Superior Court of Riverside County. Becky Dugan, Judge.

Affirmed.

Michelle Rogers, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

On October 23, 2012, a felony complaint charged defendant and appellant Gerardo Romero Zacatenco with nine counts of lewd acts upon a minor under the age of 14 years (Pen. Code,¹ § 288, subd. (a), counts 1-2, 4-10), and one count of a lewd act upon a minor under the age of 14 years by use of force and fear of immediate bodily injury. (§ 288, subd. (b)(1), count 3).

On December 5, 2012, defendant pled guilty to counts 3 through 6. In exchange, the remaining charges were dismissed and defendant agreed to a stipulated sentence.

On December 12, 2012, pursuant to the plea agreement, the trial court sentenced defendant to 12 years in state prison. The court awarded defendant 56 days of credit for time served, consisting of 49 actual days and seven conduct days pursuant to section 2933.1.

On February 4, 2013, defendant filed a timely notice of appeal. The notice of appeal indicated that the appeal was based on the sentence or other matters that occurred after the plea.

STATEMENT OF FACTS

Defendant accepted a stipulated plea agreement, wherein he pled guilty to counts 3 through 6 of the complaint. Defendant initialed the plea form where it states: “Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.” The trial court asked defendant, “Sir, is it true that you did what they said you did in Count 3,

¹ All further statutory references are to the Penal Code unless otherwise indicated.

Count 4, Count 5, and Count 6?” Defendant answered, “Yes.” The trial court then asked, “And you understand what the Complaint says you did?” Defendant replied, “Yes.”

Defendant agreed that counts 3 through 6 of the complaint provided a factual basis for his guilty plea. The complaint provided that on three separate occasions, defendant committed lewd acts on a minor under the age of 14 years. The complaint also charged that during a separate incident, defendant committed a lewd act on a minor under the age of 14 years with force and fear of immediate bodily injury.

ANALYSIS

After 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, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. 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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McKINSTER
Acting P. J.

We concur:

RICHLI
J.

KING
J.