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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.

DANIEL DAVID OLEA, JR.,

Defendant and Appellant.

E062953

(Super.Ct.No. BAF1100528)

OPINION

APPEAL from the Superior Court of Riverside County. Rafael A. Arreola, Judge.
(Retired judge of the San Diego Super. Ct. assigned by the Chief Justice pursuant to art.
VI, § 6 of the Cal. Const.) Affirmed.

Christopher Love, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant David Olea, Jr. is serving 40 years in prison after pleading guilty to five
counts of sexual conduct against a child. These crimes took place against two separate

victims, one a nine-or ten-year-old neighbor of defendant's grandparents when he was sixteen in 2002, and the other a 13-year-old cousin eight years later in 2010. We affirm.

FACTS AND PROCEDURE

In 2002, the first victim filed a police report stating that, beginning in 1999 when she was six or seven years old, and defendant was 13 years old, defendant forced her to engage in numerous sexual acts over the next three years. The People did not arrest or prosecute defendant at that time.

Beginning in about June of 2010 and continuing until September 23, 2011, defendant forced his 13-year-old cousin to engage in various sexual acts.

On April 2, 2012, the People filed an information charging defendant with eight counts of performing a lewd act by force on a child under age 14 (Pen. Code, § 288, subd. (b)(1))¹ and one count of oral copulation by force or fear with a child under age 14 (§ 288a, subd. (c)(2)(C)). The People also alleged that defendant committed sexual offenses against more than one victim (§ 667.61, subd. (e)(4)) and, as to each count, that he engaged in substantial sexual conduct with a child under age 14 (§ 1203.066, subd. (a)(8)).

On November 12, 2013, the court heard and denied defendant's motion to dismiss under section 995, in which defendant primarily pointed to the People's failure to prosecute him in 2002 as a juvenile for the crimes against the first victim.

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

On October 23, 2014, defendant pled guilty to five counts of committing a lewd act by force on a child under age 14 and agreed to a 40-year prison sentence.

On January 12, 2015, the court sentenced defendant to the 40-year sentence, consisting of a consecutive 8-year term on each of the five counts.

This appeal followed.

DISCUSSION

After defendant appealed, 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 conduct an independent review of the record.

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

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment of conviction and the sentence are affirmed.

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RAMIREZ
P. J.

We concur:

HOLLENHORST
J.

CODRINGTON
J.