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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE, Plaintiff and Respondent, v. ISMAEL MARTINEZ GONZALEZ, Defendant and Appellant.	H041395 (Santa Clara County Super. Ct. No. C1247301)

Defendant Ismael Martinez Gonzalez appeals after pleading no contest to two counts of committing a forcible lewd or lascivious act on a child under the age of 14. (Pen. Code, § 288, subd. (b)(1).)[1] He was sentenced to a 16-year prison term.

On appeal, defendant's appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 that states the case and facts, but raises no issue. We notified defendant of his right to submit written argument on his own behalf within 30 days. The 30-day period has elapsed and we have received no response from defendant.

Pursuant to *People v. Wende, supra,* 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, we have reviewed the entire record. Following the California Supreme Court's direction in *People v. Kelly, supra,* at page 110, we provide a brief description of the facts and the procedural history of the case.

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

FACTUAL AND PROCEDURAL BACKGROUND

On December 21, 2012, 11-year-old Jane Doe reported that defendant, her father, had touched her and raped her the night before. He had tickled her, "kissed her 'all over,' " held her down, and pulled down her pants and underwear. Defendant had touched her breasts, rubbed her vagina, digitally penetrated her, and forced her to rub his penis.

Defendant denied that anything had happened. He subsequently discovered that Jane Doe was not his biological daughter.

The District Attorney initially filed a complaint charging defendant with two counts of aggravated sexual assault of a child under the age of 14 and more than seven years younger than himself. (§ 269.) Pursuant to plea negotiations, the District Attorney later filed a first amended complaint charging defendant with two counts of committing a forcible lewd or lascivious act on a child under the age of 14. (§ 288, subd. (b)(1).)

Defendant pleaded no contest to both charges in the first amended complaint, but he subsequently moved to withdraw his plea. The trial court denied the motion and sentenced defendant to a 16-year prison term, comprised of consecutive eight-year terms for the two counts.

DISCUSSION

Having carefully reviewed the entire record, we conclude that there are no arguable issues on appeal. (*People v. Wende*, *supra*, 25 Cal.3d at pp. 441-443.)

DISPOSITION

The judgment is affirmed.

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BAMATTRE-MANOUKIAN, ACTING P.J.

WE CONCUR:

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MIHARA, J.

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MÁRQUEZ, J.