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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DALE ERVIN ALEXANDER,

Defendant and Appellant.

H042099

(Santa Clara County

Super. Ct. No. C1115534)

Defendant Dale Ervin Alexander repeatedly sexually molested his stepdaughter. He orally copulated her when she was nine years old, sodomized and digitally penetrated her when she was 11 years old, and later raped her. Defendant threatened to kill her mother if she told anyone of the abuse. She did not report the abuse to the police until she was 25 years old.

Defendant was charged by complaint with one count of continuous sexual abuse of a child under 14 (Pen. Code, § 288.5, subd. (a)). He waived his right to a preliminary examination and entered an unconditional plea of no contest. Defendant had prior felony convictions for corporal injury on a spouse (Pen. Code, § 273.5) and driving under the influence (Veh. Code, §§ 23152, subds. (a) & (b), 23153, subd. (b)) and numerous misdemeanor convictions for various offenses including theft (Pen. Code, §§ 484, 488). He had served two prior prison terms. The probation officer recommended a 16-year prison term. A psychologist testified for the defense at the sentencing hearing that

defendant had mental health issues and was at low risk for reoffense. The court found that the multiple aggravating circumstances outweighed the mitigating circumstances, and it imposed the upper term of 16 years in prison. Defendant timely filed a notice of appeal challenging only his sentence.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf but has failed to avail himself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Elia, Acting P. J.

Bamattre-Manoukian, J.

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