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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM PETER SILVAS,

Defendant and Appellant.

H043148

(Santa Clara County

Super. Ct. No. C1350623)

Defendant William Peter Silvas pleaded guilty to five counts of lewd or lascivious acts on a child under the age of 14 by force (Pen. Code, § 288, subd. (b)(1)).¹ He was sentenced to a total term of 50 years in prison. On appeal, his counsel has filed an opening brief in which no issues are raised and asks this court for an independent review of the record as required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel has declared that defendant was notified that an independent review under *Wende* was being requested. We advised defendant of his right to submit written argument on his own behalf within 30 days. Thirty days have elapsed, and defendant has not submitted a letter brief.

Pursuant to *Wende*, we have reviewed the entire record and have concluded that there are no arguable issues. We will provide “a brief description of the facts and procedural history of the case, the crimes of which the defendant was convicted, and the punishment imposed.” (*People v. Kelly* (2006) 40 Cal.4th 106, 110.)

¹ Unspecified statutory references are to the Penal Code.

BACKGROUND

The Offenses²

In 2013, 15-year-old J. Doe was interviewed by the San Jose Police Department Sexual Assaults Unit. J. told detectives that when she was six years old, defendant (her father) touched her buttocks and vagina over her clothing two or three times. When J. was seven years old, defendant raped her twice. In 2011, defendant raped J. at her grandmother's house.

In 2011, six-year-old A. Doe told officers that defendant (her father) put his "Wee Wee" in her "butt" three times. A.'s mother arranged a pretext phone call with defendant, who vaguely admitted that something had happened between him and A. three times.

Procedural History

On April 9, 2015, defendant was charged by information with two counts of lewd or lascivious acts on a child under the age of 14 (§ 288, subd. (a)) and three counts of aggravated sexual assault of a child under the age of 14 (§ 269) in case No. C1350623.

On May 7, 2015, the trial court granted the People's motion to consolidate case No. C1350623 with case No. C1224680. A first consolidated information was filed charging defendant with five counts of lewd or lascivious acts on a child under the age of 14 (counts 1-2, 9-11; § 288, subd. (a)), three counts of aggravated sexual assault on a child under the age of 14 (counts 3-5; § 269), and three counts of sexual intercourse or sodomy with a child under the age of 10 (counts 6-8; § 288.7, subd. (a)). It was also alleged as to the five counts of lewd and lascivious acts that there were multiple victims (§ 667.61, subs. (b), (e)).

² Since defendant pleaded guilty, we take our summary of the facts from the probation officer's report.

On August 6, 2015, the People amended counts 5 through 9 to allege lewd or lascivious acts on a child under the age of 14 by force (§ 288, subd. (b)(1)) pursuant to a plea agreement. Thereafter, defendant pleaded guilty to the five amended charges in exchange for a maximum sentence of 50 years in prison and dismissal of the remaining charges.

On September 23, 2015, defendant was sentenced to the agreed-upon term of 50 years in prison. The remaining counts and allegations were dismissed. Defendant did not request a certificate of probable cause and appealed the judgment.

DISCUSSION

We have conducted an independent review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *People v. Kelly, supra*, 40 Cal.4th 106. We conclude there are no arguable issues on appeal.

DISPOSITION

The judgment is affirmed.

Premo, Acting P.J.

WE CONCUR:

Elia, J.

Walsh, J.*

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* Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.