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

THE PEOPLE,

Plaintiff and Respondent,

v.

FREDERICK LOUIS GEORGE,

Defendant and Appellant.

H043149

(San Benito County

Super. Ct. No. CR1000848)

An amended criminal complaint, which was filed in July 2010, charged defendant Frederick Louis George with four counts of lewd conduct with a minor under the age of 14 (Pen. Code, § 288, subd. (a) – counts 1-4),¹ forcible rape (§ 261, subd. (a)(2) – count 5), forcible sexual penetration by a foreign object (§ 289, subd. (a)(1) – count 6), and aggravated sexual assault of a child (§ 269 – counts 7 & 8). In March 2013, a jury convicted defendant of counts 1 and 4, acquitted him of counts, 2, 3, 5, and 7, and was unable to reach a verdict on counts 6 and 8. In January 2014, the trial court sentenced defendant to 10 years in prison. After defendant appealed, this court reversed the judgment.

On November 10, 2015, defendant was advised of his rights to a speedy trial, to confront and cross-examine witnesses, to present evidence in his own behalf, and to

¹ All further statutory references are to the Penal Code.

remain silent. He waived these rights and pleaded no contest to count 1. Pursuant to the negotiated agreement, the trial court imposed the lower term of three years with 1133 days of presentence credits. The trial court also imposed a court security fee of \$40, a criminal conviction assessment of \$30, and a restitution fine of \$300. Defendant was ordered to register as a sex offender and to stay away from the victim. The remaining count was dismissed.

Defendant filed a notice of appeal on December 30, 2015. He also requested a certificate of probable cause on the ground that there was insufficient evidence to support the conviction because the victim gave false testimony. The certificate of probable cause was granted on December 31, 2015. Defendant filed a second notice of appeal on January 6, 2016, and challenged the sentence.

According to the probation report, which was filed in May 2013, defendant was suicidal when he told a social worker that he engaged in “some sexual activity” with his 13-year-old adopted daughter for approximately three weeks in February 2010. According to defendant, the victim expressed a sexual interest in him and they kissed several times. On one occasion, defendant put his hand down the victim’s pants and rubbed her vagina. The social worker was uncertain as to the veracity of the report since defendant’s story “expanded as time went by.” Defendant also told his wife about his conduct and added that he had fondled the victim’s breasts and the victim had rubbed his penis over her clothing. When questioned by her mother, the victim denied any sexual activity between her and defendant. However, the victim’s love notes to defendant were found in her bedroom. The victim later told investigators that there were several incidents in which defendant touched her breasts and vagina as well as one incident of intercourse.

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 he 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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