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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM PRESTON DAVIS,

Defendant and Appellant.

2d Crim. No. B256629
(Super. Ct. No. 2013004738)
(Ventura County)

William Preston Davis waived a jury trial and the matter was tried to the court. The trial court found Davis guilty of one count of unlawful act with a child under ten years of age (Pen. Code, § 288.7, subd. (b), count 1) and five counts of lewd act with a child under age fourteen (*id.* § 288, subd. (a); counts 2-6). As to those five counts, the court found that Davis engaged in substantial sexual conduct on a child under age fourteen (*id.* § 1203.066, subd. (a)(8)) and the offense was committed against more than one victim (*id.* § 667.61, subd. (e)(4)).

The court sentenced Davis to 25 years to life on count 2, plus 5 consecutive 15 years to life terms on counts 1 and 3 through 6, for a total of 100 years to life.

FACTS

A. was Davis' stepdaughter. When A. was about nine years old, he asked her to help him look for something in the garage. While in the garage, Davis instructed

A. to pull down her pants. He inserted his penis and his finger in the outer portion of her vagina. A.'s brother came into the garage and saw Davis with his finger in A.'s vagina.

K. was Davis' stepdaughter by a different marriage. When K. was nine or ten, Davis asked her to watch him masturbate. In another incident, he asked her to lie on the bed naked while he masturbated. In a third incident, he had her lie on the bed naked while he penetrated the outer lips of her vagina with his fingers. Periodically, over the years beginning when K. was 10 years old, Davis would have K. lie on the bed naked while he penetrated the outer lips of her vagina with his penis.

B. is Davis' biological daughter. When B. was seven or eight years old, Davis digitally penetrated her inner labia. When she was 13 or 14, they had intercourse. They had intercourse again when she was 17 years old.

Defense

Davis testified on his own behalf. He denied any sexually inappropriate behavior with the children.

DISCUSSION

We appointed counsel to represent Davis on appeal. After counsel's examination of the record, he filed an opening brief raising no issues. Counsel advised Davis of his conclusion and of Davis' right to file a supplemental brief.

Davis filed a lengthy supplemental brief with an addendum. The brief consists of over a hundred pages of writing on legal size paper, some written on both sides of the page. Davis attempts to raise issues of misconduct by the trial court, prosecutor and police, as well as incompetence of counsel. These are largely without citation to the record. The brief is entirely bereft of citation to legal authority in support of its arguments. (Cal. Rules of Court, rules 8.204 (a)(1)(B); 8.360 (a).) The largest portion of the brief consists of attacks on the credibility of witnesses. The attacks on credibility have citations to the record. But we have no power on appeal to judge the credibility of witnesses. (*People v. Stewart* (2000) 77 Cal.App.4th 785, 790.) In short,

the brief fails to carry Davis' burden of showing error and a miscarriage of justice. (Cal. Const., art. IV, § 13.)

We have reviewed the entire record and are satisfied that Davis' attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Nancy L. Ayers, Judge

Superior Court County of Ventura

Gilbert W. Lentz, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.