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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE, Plaintiff and Respondent, v. ALAJANDRO VALASQUEZ, Defendant and Appellant.	B276704 (Los Angeles County Super. Ct. No. BA335588)

APPEAL from a judgment of the Superior Court of Los Angeles County. Sam Ohta, Judge. Affirmed.

Alajandro Valasquez, in pro. per., and Vanessa Place, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Alajandro Valasquez (also known as Alex Neiman) appeals from the judgment entered following a jury trial in which he was convicted of one count of forcible rape (count 1 (Elizabeth W.), Pen. Code,[1] § 261, subd. (a)(2)); one count of forcible sodomy (count 2 (Elizabeth W.), § 286, subd. (c)(2)); two counts of aggravated kidnapping (count 3 (Leslie C.), count 10 (Krystle L.), § 209, subd. (b)(1)); four counts of forcible oral copulation (count 4 (Leslie C.), count 9 (Norma G.), count 12 (Krystle L.), count 15 (Elizabeth W.), § 288a, subd. (c)(2)); and one count of assault with intent to commit rape, sodomy, and oral copulation (count 16 (Krystle L.), § 220, subd. (a)). The jury further found true the multiple victim allegations as to counts 1, 2, 4, 9, 12, and 15 (§ 667.61, subds. (b), (e)), the kidnapping allegations as to counts 4 and 12 (§667.61, subds. (a), (d)), and a personal firearm use allegation as to count 9 (§ 12022.53, subd. (b)).

Prior to sentencing, appellant moved for a new trial on the ground that the trial court erred in admitting the testimony of four DNA experts in violation of appellant's Sixth Amendment confrontation rights. The trial court denied the motion, finding that none of the DNA analyses upon which these experts relied was made with the requisite degree of formality or solemnity to be considered testimonial, and none was prepared for the primary purpose of targeting an accused individual. (*Williams v. Illinois* (2012) 567 U.S. __ [132 S.Ct. 2221, 2242–2243] (plur. opn. of Alito, J.); *People v. Lopez* (2012) 55 Cal.4th 569, 582; *People v. Barba* (2013) 215 Cal.App.4th 712, 734–735.)

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[1] Undesignated statutory references are to the Penal Code.

The court imposed an aggregate sentence of 112 years to life, consisting of: count 1—15 years to life; count 2—the upper term of 8 years; count 3—life, stayed (§ 654); count 4—25 years to life, consecutive to the sentence on count 1; count 9—15 years to life, consecutive to the sentence on count 1, plus 10 years for the firearm use enhancement (§ 12022.53, subd. (b)); count 10—life, stayed (§ 654); count 12—25 years to life, consecutive to the sentence on count 1; count 15—the upper term of 8 years, consecutive to the sentence on count 2; count 16—the upper term of 6 years, consecutive to the sentence on count 2. The court ordered the determinate sentence of 32 years to be served prior to the indeterminate sentence of 80 years to life. Appellant received 3,931 days of precommitment custody credit, including 512 days of conduct credit.

Appellant timely appealed the judgment of conviction, and we appointed counsel to represent appellant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Appellant filed his own supplemental brief, in propria persona.

FACTUAL BACKGROUND

Elizabeth W.: Counts 1, 2, and 15

Over a six-hour period on the night of July 28, 2002, appellant forced Elizabeth W. into two acts of vaginal intercourse and one act each of sodomy and oral copulation. Three days later, on July 31, 2002, Elizabeth underwent a sexual assault examination during which cervical, anal, and oral swabs were taken. The cervical swab was positive for sperm and was processed for DNA analysis. Elizabeth subsequently identified appellant in a photographic lineup.

A senior forensic scientist at the Orange County District Attorney's Office testified that the sperm fraction in the forensic sample from Elizabeth was consistent with appellant's DNA profile. The random match probability was one in 403.6 thousand unrelated Southwest Hispanic individuals and one in 1.855 million unrelated Southeast Hispanic individuals.

Leslie Z.: Counts 3 and 4

Approximately 11:00 p.m. on November 11, 2003, Leslie Z. was walking home when she saw a man jogging toward her. He stopped, and after some conversation, he grabbed Leslie's arm and said, " 'You're coming with me.' " The man led Leslie into a small cement room in an apartment building under construction. There he forced Leslie to orally copulate him.

During a subsequent sexual assault examination, swabs were collected based on Leslie's account of the assault. DNA analysis detected appellant's profile in both the sperm and non-sperm fractions of the forensic samples taken from Leslie Z. In addition, the physical examination revealed small burst blood vessels in Leslie's throat, which were consistent Leslie's account of blunt force trauma as a result of oral copulation.

Norma G.: Count 9

Around 9:00 or 10:00 p.m. on August 20, 2006, Norma G. went with appellant from a bus stop to a parking lot stairwell to smoke some weed. Removing a black semiautomatic handgun from his backpack, appellant demanded that Norma orally copulate him or he would kill her. Norma complied.

A single sperm cell was detected on one of the oral swabs taken during Norma's sexual assault examination. A profile comparison detected appellant's profile in the sperm fraction in the sample taken from Norma's lips. The random match

possibility was one in 6.427 million unrelated Southwest Hispanic individuals and one in 6.734 million unrelated Southeast Hispanic individuals.

Krystle L.: Counts 10, 12, and 16

About 9:00 p.m. on March 27, 2007, Krystle L. was walking home from work when appellant came up behind her, and, pressing an object against her back, told her she would be killed if she made any noise. Appellant guided Krystle down a dark driveway to some bushes in an apartment complex. There he forced Krystle to the ground, told her to remove her pants, fondled her breasts, and put his penis in her vagina. After he removed his penis he demanded oral sex. Krystle refused, and appellant punched her in the face. At some point, appellant orally copulated Krystle.

Elevated levels of amylase, indicative of saliva, were detected on swabs of Krystle's right breast, vulva, and inner thigh. The DNA on the right breast swab matched appellant's profile, with a random match probability of one in one trillion. The DNA on the vulva swab was consistent with appellant's profile.

DISCUSSION

In his supplemental brief, appellant argues, as he did at trial, that he is innocent of the crimes with which he was charged, the DNA found in connection with these crimes was not his, he had never met any of the victims, and the complaining witnesses testified falsely when they identified him as the perpetrator of the sexual offenses.

In assessing what amounts to appellant's substantial evidence challenge, " 'we review the entire record in the light most favorable to the judgment to determine whether it contains

substantial evidence—that is, evidence that is reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.' " (*People v. Avila* (2009) 46 Cal.4th 680, 701; *People v. Watkins* (2012) 55 Cal.4th 999, 1019–1020.) We draw all reasonable inferences in favor of the verdict and presume the existence of every fact the jury could reasonably deduce from the evidence that supports its findings. (*People v. Maciel* (2013) 57 Cal.4th 482, 515; *People v. Kraft* (2000) 23 Cal.4th 978, 1053.) "[U]nless [a witness's] testimony is physically impossible or inherently improbable, testimony of a single witness is sufficient to support a conviction." (*People v. Young* (2005) 34 Cal.4th 1149, 1181.) "In deciding the sufficiency of the evidence, a reviewing court resolves neither credibility issues nor evidentiary conflicts." (*Ibid.*; *People v. Maury* (2003) 30 Cal.4th 342, 403.) Rather, " 'it is the exclusive province of the . . . jury to determine the credibility of a witness and the truth or falsity of the facts,' " and it is not for us to substitute our judgment for that of the jury's. (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206.)

Based on our examination of the entire record, we reject appellant's claims, finding substantial evidentiary support for the judgment. Moreover, we are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende*, *supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

LUI, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.