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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.

RICHARD LEIDER,

Defendant and Appellant.

2d Crim. No. B288868
(Super. Ct. No. 2011028371)
(Ventura County)

Richard Leider appeals a judgment entered following his guilty plea to the offer or sale of securities by means of an untrue statement of material fact, and to theft from an elder or dependent adult, with admissions that the takings exceeded \$65,000, the late discovery of the crimes, and the tolling of the statute of limitations. (Corp. Code, § 25401; Pen. Code, §§ 368, subd. (d), former 12022.6, subd. (a)(1), 803, subds. (c) & (d).)¹

¹ All further statutory references are to the Penal Code unless stated otherwise.

We appointed counsel to represent Leider in this appeal. After examination of the record, counsel filed an opening brief raising no issues. (*People v. Wende* (1979) 25 Cal.3d 436, 441.) On August 17, 2018, we advised Leider that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. On October 23, 2018, we received his response challenging venue, the tolling of the statute of limitations, the failure to obtain a speedy trial, the award of presentence custody credit, and the order of victim restitution. Pursuant to *People v. Kelly* (2006) 40 Cal.4th 106, 123-124, we present a factual and procedural summary of the case and a brief discussion of Leider's contentions.

FACTS AND PROCEDURAL HISTORY

On April 15, 2014, the Ventura County District Attorney charged Leider with four counts of securities fraud and two counts of theft from an elder or dependent adult. (Corp. Code, §§ 25401, 25110; § 368, subd. (d).) The crimes involved the unlawful sale of securities in 2007 to two elderly women. The securities purported to be shares in a fictional Las Vegas entertainment venue. The victims later learned that they had been defrauded when Leider's associate so informed them.

On December 15, 2017, Leider entered a guilty plea to two of the six charged counts and admitted the taking allegation and allegations regarding late discovery and the statute of limitations. According to a plea agreement, the trial court sentenced him to a two year midterm for the securities fraud count, imposed a one-year consecutive term for the taking enhancement, reduced the elder theft count to a misdemeanor, and ordered two of the three years served in county jail and one year on mandatory community supervision. The court also

imposed a \$300 restitution fine, a \$300 parole revocation restitution fine (suspended), ordered \$110,700 in victim restitution, and awarded Leider 120 days of presentence custody credit. (§§ 1202.4, subds. (b) & (f), 1202.45.) The court dismissed the remaining charged counts.

On March 15, 2018, Leider appealed, but did not obtain a certificate of probable cause.

DISCUSSION

Leider pleaded guilty to two charged counts and admitted the taking, late discovery, and statute of limitations allegations. He may not now relitigate those matters. For this reason, we do not discuss his contentions related to the statute of limitations. (*In re Grant* (2014) 58 Cal.4th 469, 480 [guilty plea admits every element of the charged offense and is a conclusive admission of guilt].)

Also, Leider did not obtain a certificate of probable cause and may not now appeal issues concerning venue, a speedy trial, or the statute of limitations. (§ 1237.5; *People v. Hernandez* (1992) 6 Cal.App.4th 1355, 1357 [claim of speedy trial violation does not survive guilty plea]; *People v. Krotter* (1984) 162 Cal.App.3d 643, 646 [claim of venue does not survive guilty plea].)

Moreover, the record on appeal does not support Leider's claims that he is entitled to additional presentence custody credit for confinement in federal prison for 24 months. According to the probation report, this confinement related to bank fraud committed in Utah.

Finally, section 1202.4, subdivision (g) requires victim restitution in every case where a victim has suffered economic loss. Thus, the trial court's restitution order is proper.

The judgment is affirmed.
NOT TO BE PUBLISHED.

GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Nancy L. Ayers, Judge

Superior Court County of Ventura

Wayne C. Tobin, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.