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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEJANDRO AVILES,

Defendant and Appellant.

B237356

(Los Angeles County

Super. Ct. No. PA071030)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Cynthia L. Ulfig, Judge. Affirmed.

Cynthia L. Barnes, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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According to the preliminary hearing transcript, on July 21, 22, and 23, 2011, 29-year-old defendant Alejandro Aviles repeatedly raped, sodomized, and molested 12-year-old G.Z., and forced her to orally copulate him. G.Z. was the developmentally disabled daughter of defendant's girlfriend, and the crimes occurred when he was babysitting G.Z. while her mother was at work. During a videotaped interview with police, defendant admitted that he placed his penis and fingers in G.Z.'s vagina, touched her bare breasts, and kissed her.

On October 4, 2011, defendant was charged by a 23-count amended information with various crimes stemming from these incidents (§§ 236 [false imprisonment]; 288, subds. (a) & (b)(1) [lewd or lascivious acts on a child]; & 269, subds. (a)(1), (a)(3), (a)(4) & (a)(5) [aggravated sexual assault of a child]).<sup>1</sup> It was also alleged that the crimes were serious and violent felonies (§§ 1192.7, subd. (c); 667.5, subd. (c)). Defendant faced indeterminate life sentences on seven of the counts. (§ 269, subd. (b); counts 6, 8, 10, 14, 16, 18 & 20 ).

On October 6, 2011, defendant withdrew his not guilty plea and pled no contest pursuant to *People v. West* (1970) 3 Cal.3d 595, to counts 2, 4, and 22 for committing lewd or lascivious acts on a child under the age of 14 “by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim.” (§ 288, subd. (b)(1).)

Following entry of his plea, but before sentencing, the trial court held a *Marsden* hearing to address defendant's dissatisfaction with his counsel and his plea agreement. (*People v. Marsden* (1970) 2 Cal.3d 118.) The trial court denied the motion, finding that defense counsel properly and competently represented defendant.

The trial court gave defendant the option of representing himself and filing a motion to withdraw his plea. Defendant proceeded to sentencing with counsel. In accordance with the plea agreement, defendant was sentenced to 25 years in prison,

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

consisting of the high term of 10 years on counts 2 and 4, and the low term of five years on count 22, to run consecutively. The remaining counts were dismissed.

Defendant filed a timely notice of appeal, challenging matters occurring after his plea and the validity of the plea. He also requested that the trial court issue a certificate of probable cause, which was granted. We appointed appellate counsel to represent him. Appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) in which no issues were raised. The brief included a declaration from counsel that she reviewed the record and sent a letter to defendant explaining her evaluation of the record. Counsel further declared that she advised defendant of his right to submit a supplemental brief. Defendant did not file a supplemental brief with this court.

We have examined the entire record, consisting of one volume of clerk's transcript, two volumes of reporter's transcript, and a sealed *Marsden* transcript, and are satisfied that appointed counsel fully complied with her responsibilities and that no arguable appellate issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106; *Wende, supra*, 25 Cal.3d 436.) We therefore affirm the judgment.

#### **DISPOSITION**

The judgment is affirmed.

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GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

FLIER, J.