

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

| |
|---|
| California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115. |
|---|

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ELI DUARTE,

Defendant and Appellant.

B269557

(Los Angeles County
Super. Ct. No. BA432632)

APPEAL from a judgment of the Superior Court of Los Angeles County, Drew E. Edwards, Judge. Affirmed.

Vanessa Place, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

The District Attorney in Los Angeles County charged defendant Eli Duarte (defendant) in a five-count information with three counts of committing a lewd act upon a child (Penal Code section 288(a)), one count of committing sodomy with another person under the age of 14 (Penal Code section 286(c)(1)), and one count of making contact with a minor with intent to commit a sexual offense (Penal Code section 288.3(a)). Testimony presented by the prosecution at trial on the charges established that in November and December 2014, defendant, who at the time was 37 years old and friends with the victim's father, had vaginal sex with the then-12-year-old victim on multiple occasions and penetrated her anus with his penis in one instance.

The jury convicted defendant on four of the five charged offenses (it found him not guilty of one of the three committing a lewd act upon a child charges). The trial court sentenced defendant to serve 11 years in state prison.

Defendant thereafter filed a notice of appeal. This court appointed counsel to represent defendant, and after examining the record, counsel filed an opening brief raising no issues. On August 10, 2016, this court advised defendant he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response.

We have examined the record and we are satisfied defendant's attorney on appeal has complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 278-82; *People v. Kelly* (2006) 40 Cal.4th 106, 122-24; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, J.

We concur:

TURNER, P.J.

KUMAR, J.^{*}

^{*} Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.