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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN CARLOS NAVARRETTE,

Defendant and Appellant.

B245410

(Los Angeles County
Super. Ct. No. SA077944)

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

Gary V. Crooks, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Juan Carlos Navarrette appeals from the judgment entered following his no contest plea to the charge of committing a lewd act on a child under the age of 14. (Pen. Code, § 288, subd. (a).) We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Because defendant entered a no contest plea, we briefly set forth the facts underlying his conviction. P.A. testified at the preliminary hearing that when she was about three years old, her mother took her and brother Lamont to the home of a babysitter named Marina.¹ After P.A. had been going to the home for about a year, Marina's son, defendant, took P.A. into his bedroom and placed his penis in her mouth. He would do this as often as twice a week. When she was seven and a half, P.A. stopped going to Marina's house after P.A.'s father died. P.A. did not disclose she had been sexually abused until she told her mother in early 2011.

On September 12, 2012, defendant pled no contest to one count of committing a lewd act on a child. Pursuant to the plea agreement, he was sentenced to three years in state prison.

On November 13, 2012, defendant filed an appeal alleging he was coerced into pleading no contest, the prosecutor improperly advised him of the consequences of his plea, and his attorney was ineffective. The trial court signed a certificate of probable cause.

DISCUSSION

After reviewing the record on appeal, defendant's appointed appellate counsel filed a brief that raised no issues and asked this court to independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On June 10, 2013, we sent a letter to

¹ P.A. was 16 at the time of the preliminary hearing.

defendant advising him of the nature of the brief that had been filed and informing him that he had 30 days within which to file a supplemental brief. To date, we have received no response.

We note that in advising defendant of the consequences of his plea, the prosecutor told him that he would be subject to a parole period of 10 years. That was incorrect. Defendant committed his crimes between 2000 and 2002. Penal Code section 3000 was amended in 2006 to increase the applicable parole period from five to 10 years. (Stats. 2006, ch. 337, § 45.) Thus, the longer parole period does not apply to defendant. The mistaken advisement caused defendant no prejudice. His term of parole will be shorter than the period he had accepted as a condition of his plea.

We have independently reviewed the record and are satisfied that no arguable issues exist. Defendant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The judgment is affirmed.

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SUZUKAWA, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.