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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

In re CHRISTIAN R., a Person Coming Under the Juvenile Court Law.	
THE PEOPLE, Plaintiff and Respondent, v. CHRISTIAN R., Defendant and Appellant.	F044832 (Super. Ct. No. MCR015582B) **OPINION**

THE COURT*

APPEAL from a judgment of the Superior Court of Madera County. Thomas L. Bender, Judge.

Solomon Wollack, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, and Charles A. French, Deputy Attorney General, for Plaintiff and Respondent.

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* Before Dibiaso, Acting P.J., Cornell, J., and Gomes, J.

On April 28, 2003, appellant, Christian R., was arrested for his involvement in the rape of an intoxicated female juvenile. On June 5, 2003, the court found Christian unfit for juvenile court proceedings. On June 31, 2003, the district attorney filed an information charging Christian with one count each of forcible rape (count 1), rape in concert (count 2/Pen. Code,[1] § 264.1), rape of an intoxicated person (count 3/§ 261, subd. (a)(3)), rape of an unconscious person (count 4/§ 261, subd. (a)(4)), child endangerment (count 5/§ 273a, subd. (a)), and misdemeanor unlawful sexual intercourse with a minor (count 6/§ 261.5, subd. (b)). On October 3, 2003, the court granted a defense motion to dismiss counts 1 and 2. On October 6, 2003, Christian pled guilty to rape of an intoxicated person (§ 261, subd. (a)(3)) in exchange for the dismissal of the remaining counts with a *Harvey*[2] waiver and a referral pursuant to Penal Code section 1170.17 to juvenile court for a juvenile disposition. On January 28, 2004, the court committed Christian to the California Youth Authority for a maximum term of confinement of eight years.

Christian's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Christian has not responded to this court's invitation to submit additional briefing.

Following independent review of the record we find that no reasonably arguable factual or legal issues exist.

The judgment is affirmed.

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[1] All statutory references are to the Penal Code unless otherwise indicated.

[2] *People v. Harvey* (1979) 25 Cal.3d 754.