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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.

JOHN CLINT DRAPER,

Defendant and Appellant.

B244836

(Los Angeles County
Super. Ct. No. NA006515)

APPEAL from an order of the Superior Court of Los Angeles County,
James B. Pierce, Judge. Affirmed.

California Appellate Project, Jonathan B. Steiner and Richard B. Lennon,
under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

John Clint Draper appeals from an order denying his motion seeking postconviction discovery pursuant to Penal Code section 1054.9.¹ He previously was convicted of murder (§ 187, subd. (a)) and attempted murder (§§ 664/187, subd. (a)), and his conviction was affirmed on appeal. (*People v. Draper* (Dec. 17, 1992, B063660) [nonpub. opn.])

On October 11, 2012, the trial court called for consideration appellant's motion under section 1054.9 to obtain discovery. The court indicated that it had read and considered the motion and then denied it. Appellant filed a notice of appeal, stating that there are constitutional violations not being addressed by officials.

After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On January 11, 2013, we advised appellant that he had 30 days within which to submit any contentions or issues that he wished us to consider. On January 28, 2013, he filed a request to appoint another attorney, which was denied on February 13, 2013. On February 8, 2013, appellant requested an extension of time, which was granted.

On March 11, 2013, appellant filed a supplemental brief, asking us to review his underlying conviction. He contends that he is actually innocent of the crimes with which he was charged and raises numerous constitutional claims. However, appellant's underlying conviction is not at issue in this appeal. His conviction previously was affirmed on appeal, and he has filed a number of postconviction habeas petitions, which have been denied. "Finality is attributed to an initial appellate ruling so as to avoid the further reversal and proceedings on remand that

¹ All further statutory references are to the Penal Code.

would result if the initial ruling were not adhered to in a later appellate proceeding.’ [Citation.]” (*People v. Stanley* (1995) 10 Cal.4th 764, 786-787.)

“Section 1054.9 allows a defendant to seek discovery of materials ‘to which [he] would have been entitled at time of trial.’ [Citation.]” (*Kennedy v. Superior Court* (2006) 145 Cal.App.4th 359, 365.) A trial’s court ruling on discovery matters generally is reviewed for an abuse of discretion. (*Id.* at p. 366.)

We have examined the entire record and are satisfied that no arguable issues exist, and that appellant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

DISPOSITION

The order is affirmed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.