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REPORTS**

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IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAE JEONG LYU,

Defendant and Appellant.

B283089

(Los Angeles County  
Super. Ct. No. BA372280)

APPEAL from an order of the Superior Court of Los Angeles County, Norman J. Shapiro, Judge. Affirmed.

Michele A. Douglass, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Jae Jeong Lyu appeals from an order denying his petition for production of transcripts from his trial proceedings in 2011 and 2012.

In a published opinion, we reversed Lyu's felony convictions after a court trial for sexual penetration and oral copulation on an unconscious person under Penal Code<sup>1</sup> sections 289, subdivision (d)(2) and 288a, subdivision (f)(2). We affirmed Lyu's misdemeanor convictions for sexual battery under section 243.4, subdivision (e)(1). (*People v. Lyu* (2012) 203 Cal.App.4th 1293.) Lyu was released from custody in 2012.

On April 6, 2017, Lyu filed a petition for production of reporter's transcripts from April 5, 2011 and June 26, 2012. He intended to use the transcripts to challenge the requirement that he register as a sex offender under section 290, subdivision (b). The trial court denied the petition, as Lyu's misdemeanor convictions for sexual battery required his registration. Lyu appealed.

We appointed counsel to represent Lyu on appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court to review the record independently. We advised Lyu he had 30 days in which to personally submit any contentions or issues he wished us to consider. Lyu filed a supplemental brief on December 14, 2017, arguing that he received ineffective assistance of

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

counsel during his 2011 trial, requesting a new trial, and not mentioning the requirement that he register as a sex offender or his petition for production of transcripts. Lyu attaches a reporter's transcript dated March 28, 2016 from another criminal trial in which he was the defendant, and in which he argued that he was not required to register as a sex offender. The trial judge explained that the registration requirement was not in issue in Lyu's 2016 trial.

Section 290, subdivision (b) requires that any person described in subdivision (c) shall be required to register as a sex offender, and subdivision (c) includes section 243.4. Our prior opinion affirmed Lyu's convictions of misdemeanor sexual battery under section 243.4, subdivision (e)(1), and section 290 requires that he register as a sex offender. The trial court correctly denied Lyu's petition for production of trial transcripts to challenge the registration requirement.

We have examined the entire record and are satisfied that Lyu's counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

**DISPOSITION**

The order is affirmed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

CHANEY, Acting P. J.

BENDIX, J.\*

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