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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.

DWAYNE MICHAEL HALEY,

Defendant and Appellant.

B251265

(Los Angeles County
Super. Ct. No. BA205130)

APPEAL from a judgment of the Superior court of Los Angeles County. Robert Perry, Judge. Affirmed.

Dwayne Michael Haley, in pro. per.; and Suzan E. Hier, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In January 2001, Dwayne Michael Haley was convicted of second degree murder and sentenced to 15 years to life for the murder plus 25 years to life for a weapons enhancement. (Pen. Code, §§ 187, subd. (a), 12022.53, subd. (d).) He was given 630 days actual custody credit but no days of conduct credit, and was ordered to pay restitution. Haley appealed his conviction, but we upheld it on September 27, 2001, and his petition for review was denied on December 12, 2001, as were habeas corpus petitions filed in 2004, 2006 and 2009.

In July 2013, Haley moved to correct the judgment, pointing out that the year 2000, during which he was in custody, was a leap year containing 366 days, not 365 days as awarded by the court. He sought one additional day of actual custody credit. The trial court granted the motion and modified his sentence.

In August 2013, Haley appealed from the modified judgment, contending the court denied him his right to be present for pronouncement of judgment. We appointed counsel to represent him on appeal, and after examination of the record, appointed counsel filed an opening brief raising no issues and asking this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436, 441-442.) On January 31, 2014, we sent letters to Haley and appointed counsel, directing counsel to immediately forward the appellate record to defendant and advising Haley that within 30 days he could personally submit any contentions or issues that he wished us to consider.

Haley responded with a 38-page letter brief, 37 pages of which appear to be copied from his appellate brief from 2001. In them, Haley discusses the trial at length, with lengthy quotations from the reporter's transcript, and argues the original trial court erred in admitting gang evidence and the prosecutor committed misconduct during closing argument. Haley argues his conviction must be reversed.

The 26-page record on appeal consists of a clerk's transcript containing seven documents—dated from July 22 to August 28, 2013—surrounding Haley's motion for correction of the judgment, including the court's order granting the motion and the corrected abstract of judgment. The record contains nothing dated earlier than July 22, 2013.

The only issue properly on appeal at this late date is whether the trial court erred in granting Haley's motion to modify the judgment. His letter brief is silent on this issue. We have examined the entire record and found no arguable issue of any sort. We are therefore satisfied that defendant's appointed attorneys have fully complied with their responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.
NOT TO BE PUBLISHED.

CHANEY, J.

We concur:

ROTHSCHILD, Acting P. J.

MILLER, J.^{*}

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