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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

ROY DYCRUS CLAY,

Defendant and Appellant.

B275493

(Los Angeles County
Super. Ct. No. SA075790)

APPEAL from orders of the Superior Court of Los Angeles
County, Elden Fox, Judge. Affirmed.

Richard B. Lennon, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2011 Roy Dycrus Clay entered an open plea to one count of second degree burglary and two counts of grand theft of personal property and was sentenced in accordance with the trial court's indicated sentence as a second-strike offender to an aggregate state prison term of nine years eight months.

In successive appeals we twice affirmed postjudgment orders denying Clay's motions to correct his purportedly unauthorized sentence. (*People v. Clay* (Mar. 9, 2015, B259717) [nonpub. opn.]; *People v. Clay* (Mar. 16, 2015, B255384) [nonpub. opn.].) We also affirmed the trial court's denial of Clay's December 2, 2014 petition for resentencing under Proposition 47 (Pen. Code, § 1170.18). (*People v. Clay* (Oct. 14, 2015, B262654) [nonpub. opn.].)

1. *The September 22, 2015 Order*

On September 8, 2015, while the third appeal was pending and once again representing himself, Clay filed three "motions" in the trial court, two of which were labeled "Notice of Motion to Vacate Prior Conviction" and the third captioned "Notice of Motion To Correct Error in the Presentence Credits." On September 22, 2015, explaining that it was "not required to entertain unjustified successive petitions on the merits," the trial court deemed the filings a petition for writ of habeas corpus and summarily denied the petition. In the same ruling the court denied Clay's second petition for Proposition 47 relief, which he had apparently filed earlier in September 2015.¹

2. *The June 2016 Orders*

On April 4, 2016 Clay filed yet another document in the trial court entitled "Notice of Motion/Request that the Court

¹ The petition is not part of the record on appeal.

Dismiss the Alleged Prior Conviction Alleged under the Three Strikes Law, Pen. Code § 1385 *People v. Superior Court (Romero)* 13 Cal.4th 497,” and on June 16, 2016 a document entitled “Notice of Motion To Correct an Unauthorized Judgment and Sentence Because the Trial Court Failed To Fix the Degree of the Defendant’s Crime Before Passing Sentence.” The trial court summarily denied the motions on June 1, 2016 and June 17, 2016 respectively. In its June 17, 2016 order the court stated, “This latest motion is a part of this defendant’s continuous ‘barrage’ of the trial court and court of appeal[] with frivolous and unjustified requests to change or modify his sentence”; the court noted Clay had filed numerous habeas corpus petitions, all of which have been denied in the trial and appellate courts.

3. *Clay’s Notice of Appeals*

On June 15, 2016 this court granted Clay’s application for relief from default for failure to file a timely notice of appeal from the September 22, 2015 order denying his petition for Proposition 47 relief. Clay filed a notice of appeal from the order on July 8, 2016. On July 12, 2016 Clay filed a notice of appeal from the June 1 and 17, 2016 orders. The appeals from all three orders were consolidated under appeal no. B275493.

4. Discussion

We appointed counsel to represent Clay on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. In a notice dated October 18, 2016 we attempted to advise Clay he had 30 days within which to submit any contentions or issues he wished us to consider. On October 31, 2016 the notice was returned by the California Institution for Men with a notation Clay had been discharged as of October 11, 2016; no forwarding address was provided.²

We have examined the entire record and are satisfied Clay's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) The same challenges to the trial court's orders have been previously resolved against Clay in the trial court and on appeal and are now barred by the law of the case as well as the doctrines of issue and claim preclusion. (See *People v. Whitt* (1990) 51 Cal.3d 620, 638 [law of the case doctrine "prevents the parties from seeking appellate reconsideration of an already decided issue in the same case absent some significant change in circumstances"]; see generally *People v. Barragan* (2004) 32 Cal.4th 236, 245-258.)

² When we appointed appellate counsel for Clay, we directed Clay "to keep the court informed of his/her mailing address at all times. If you move, you MUST notify the clerk of this court immediately; otherwise you may not receive important notices concerning your appeal." Clay has not provided any information regarding his current address following his apparent release from the California Institution for Men.

DISPOSITION

The orders of September 22, 2015, June 1, 2016 and June 17, 2016 are affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

SEGAL, J.