

S122389

Frederick K. Ohlrich Clerk

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**IN THE SUPREME COURT OF CALIFORNIA**<sup>DEPUTY</sup>

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**En Banc**

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**In re KEVIN COOPER on Habeas Corpus**

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The petition for writ of habeas corpus and emergency request for stay of execution, filed on February 2, 2004, is denied. Claims 2, 3, and 4 are denied as untimely (*In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750) and successive (*In re Robbins, supra*, 18 Cal.4th at p. 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547.) All claims are also denied on the merits. As with the previous five petitions for writ of habeas corpus that petitioner has filed in this court challenging the judgment, this petition casts no doubt on petitioner's guilt or the validity of the judgment.

Brown, J., would deny solely on the merits.

  
Acting Chief Justice