

To:

#1

3/2/2025

Greetings Clerk of the Court,
United States Supreme Court Building,
Washington D.C. 20543

Dear members of your Clerks office
my name is Robert Chaffin Shelby. my
SID# 7150950 my Multnomah County
Circuit court case No. 161220915. my
appellate file is 77105. my Oregon
Court of appeals is A180203 S071540
denied 1/30/2025. I am reaching to
you in prayer that if I decide to
file a petition in your court. The
United States Supreme Court to re
view my case. "Writ of Certiorari"
Will you please allow me as much
time you are allowed? I am re
questing this because (1) I am mentally
handicapped. (2) I have low educational
skills. (3) I have a tuff time with
the Court(s) in the state of Oregon.
I have been blessed to have been
given records/cd disc/federal records
court records ect that the High-er-up
has restricted me from. I have just
requested another legal assistant here
at O.S.P. and I need time to put it
all "materials" together to send to
you. With respect this request is
not to waste mine or your time
and it will open your eyes if

RECEIVED

MAR 12 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

#2

3/2/2025

2:05am

There is someone that is willing
to listen to a case that is of great
security. no force if you are unwilling
to learn of this now. please keep
your thoughts open for the name
Robert C Shilby 7150950. O.S.P
113 2605 State Street.
SALEM, Oregon. 97310

may God bless - your Honor???)
please respond.

Robert Chapman Gray
Robert C Shilby
R.C.

notice/memo

This is a nonprecedential memorandum opinion pursuant to ORAP 10.30 and may not be cited except as provided in ORAP 10.30(1).

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

STATE OF OREGON,
Plaintiff-Respondent,

v.

ROBERT C. SHELBY,
Defendant-Appellant.

Multnomah County Circuit Court
16CR20915; A180203

Thomas M. Ryan, Judge.

Submitted September 13, 2024.

Ernest G. Lannet, Chief Defender, Criminal Appellate Section, and Emily P. Seltzer, Deputy Public Defender filed the opening brief for appellant. Section B of the brief and the reply brief was prepared by appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Robert M. Wilsey, Assistant Attorney General, filed the brief for respondent.

Before Lagesen, Chief Judge, and Egan, Judge.

LAGESEN, C. J.

Affirmed.

LAGESEN, C. J.

After a jury trial, defendant was convicted of multiple offenses, including first-degree rape, ORS 163.375; first-degree sexual abuse, ORS 163.427; strangulation, ORS 163.187; fourth-degree assault, ORS 163.160; and first-degree sodomy, ORS 163.405. He was sentenced to 830 months in prison.

Defendant appealed, and we reversed on five counts and on a sentence-enhancement factor due to lack of jury unanimity. *State v. Shelby*, 317 Or App 647, 648-49, 505 P3d 482 (2022). We also reversed and remanded for merger of two counts. *Id.* On remand, the trial court dismissed the five counts that had nonunanimous verdicts, and the state did not pursue the sentence enhancement factor. After a resentencing hearing, the trial court sentenced defendant to a total of 721 months in prison.

Defendant's appointed counsel filed a brief pursuant to ORAP 5.90 and *State v. Balfour*, 311 Or 434, 814 P2d 1069 (1991). The brief contains a Section B, in which defendant argues, among other things, that the trial court erred in imposing consecutive sentences on convictions for first-degree rape and first-degree sodomy. The state filed an answering brief responding to defendant's arguments. Reviewing under ORAP 5.90(3) for "arguably meritorious issues," we affirm.¹

Having reviewed the record, including the trial court file and the transcript of the hearings, and having reviewed the *Balfour* brief, including defendant's arguments in Section B of the brief and the state's response to those arguments, and having also considered the reply brief and letters from defendant, we have identified no arguably meritorious issues.

Affirmed.

¹ As authorized by ORS 2.570(2)(b), this matter is determined by a two-judge panel. See, e.g., *State v. Yother*, 310 Or App 563, 484 P3d 1098 (2021) (deciding matter submitted through *Balfour* process by two-judge panel); *Ballinger v. Nooth*, 254 Or App 402, 295 P3d 115 (2012), *rev den*, 353 Or 747 (2013) (same).

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PETITIONS FOR REVIEW**ALLOWED****January 30, 2025**

State v. Sarria, Colton James Gerry (A180013/14)(S071459)(335 Or App 201)

DENIED**January 30, 2025**

Cort-Wagner v. SAIF Corporation (A181788)(S071508)(335 Or App 455)
 Department of Human Services v. C. R. (A183172)(A183463)(S071467)(335 Or App 150)
 Department of Human Services v. J. D. G. (A183601)(S071506)(335 Or App 429)
 Department of Human Services v. K. K. (A183710/11)(S071505)(335 Or App 436)
 Department of Human Services v. L. K. C. M. (A183924)(S071558)(335 Or App 610)
 Department of Human Services v. M. R. -C. (A182184)(S071494)(335 Or App 339)
 Follansbee v. Ooi (A181885)(S071482)(335 Or App 305)
 Gerlits, Travis Wade v. Fluere (A181076)(S071434)(334 Or App 638)
 Hadid v. Portland State University (A180808)(S071502)(334 Or App 188)
 Khoshnaw, Niaz Mohammed v. Washburn (A178454)(S071466)(335 Or App 163)
 Klemp v. Andrach (A178957)(S071499)(335 Or App 187)
 Lane v. Hanley (A179931)(S071509)(335 Or App 805)
 State v. Anner, Raynold Barry, Jr. (A179540)(S071503)(335 Or App 388)
 State v. Beiser, Carl Gregory (A178838)(S071465)(335 Or App 272)
 State v. Bradshaw, Dustin Edward (A180142/43)(S071536)(335 Or App 638)
 State v. Bright, Taylor Bryant (A179954)(S071363)(333 Or App 58)
 State v. Dawkins, Tyrik Aliem (A180777)(S071623)(336 Or App 359)
 State v. Day, Terry Lee (A180676)(S071475)(335 Or App 238)
 State v. Gonzales-Salcido, Jonathan Alexis (A180237)(S071474)(335 Or App 247)
 (petition and supplemental *pro se* petition)
 State v. Goode, Stephen A. (A179474)(S071455)(335 Or App 108)
 State v. Johnson, Theodore Stacey (A178701)(S071498)(335 Or App 813)
 State v. O'Connell, Dondi Leann (A182355)(S071618)(336 Or App 359)
 State v. Shelby, Robert C. (A180203)(S071540)(335 Or App 756)
 State v. Valdovinos-Moreno, Margarito (A180950)(S071441)(334 Or App 829)
 State v. Wright, Wesley Clarence (A181237)(S071527)(335 Or App 638)
 Washington County v. Sippel (A180918)(S071446)(335 Or App 1)