

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA * **NO. 2000-KA-1232**
VERSUS * **COURT OF APPEAL**
CARL JONES * **FOURTH CIRCUIT**
* **STATE OF LOUISIANA**
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APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 383-528, SECTION "B"
Honorable Patrick G. Quinlan, Judge
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Judge Dennis R. Bagneris, Sr.
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(Court composed of Judge William H. Byrnes, III, Judge Charles R. Jones,
and Judge Dennis R. Bagneris, Sr.)

Douglas P. Wilson
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New Orleans, LA 70127
COUNSEL FOR DEFENDANT/APPELLANT

CONVICTION AND SENTENCE AFFIRMED;
COUNSEL'S MOTION TO WITHDRAW GRANTED

STATEMENT OF THE CASE

On June 11, 1996, Carl F. Jones (alternately, “Jones” and “the defendant”) was charged by bill of information with aggravated burglary, a violation of La. R.S. 14:60. At his arraignment on June 17, 1996, he pled not guilty. After a hearing on July 1, 1996, probable cause was found. Following a bench trial on February 25, 1997, he was found guilty as charged. The court granted the defendant’s motion to reconsider the verdict on June 25, 1997, and found him guilty of unauthorized entry of an inhabited dwelling. The State filed a multiple bill, and on July 2, 1997, Jones pled guilty. The court found him to be a second offender under La. R.S. 15:529.1 and sentenced him to serve three years at hard labor. On February 10, 2000, he was granted an out-of-time appeal.

FACTS

At trial Sabrina Cayette (“Ms. Cayette”) of 2933 St. Phillip Street testified that her friend, Barbara Bradley (“Ms. Bradley”), was living at her house on May 10, 1996, when Carl Jones arrived to visit Ms. Bradley. After speaking together, Ms. Bradley and Jones began to argue. Jones was eventually asked to leave. He did so. Shortly thereafter, Jones returned to Ms. Cayette’s residence and knocked on the door. Ms. Cayette testified that

she refused to admit him, and he threatened to kick the door down. Then he actually did kick the door open. Ms. Cayette testified that there was another argument between Ms. Bradley and Jones, and “a couple of licks was passed” before he left. Jones returned a third time with a knife; he again forced the door open. Jones stabbed Ms. Bradley in the left breast. Ms. Cayette testified that she became hysterical, picked up her two children and left her home. She later called the police.

Ms. Barbara Bradley testified that while she was visiting Sabrina Cayette, Carl Jones, her former boyfriend, came to the house. Jones wanted her to leave with him, and when she would not go, he tried to drag her from the house before leaving alone. He returned and entered by kicking the door open. Ms. Bradley was sitting on the sofa, and Jones jumped on her and began to drag her toward the door. Ms. Bradley testified that she resisted him, and he left a second time. The third time he entered, he stabbed her twice with a knife he carried into the house. When he left the third time, he left the knife in her left breast. Ms. Bradley pulled the knife out and left it on the coffee table. Ms. Bradley was taken to the hospital. Under cross-examination, Ms. Bradley acknowledged that she was forty-two, homeless, and the mother of eight children.

Officer Maurice Sanders was dispatched to investigate an aggravated

burglary on May 10, 1996, at 2933 St. Phillip Street. On arrival, he found Barbara Bradley being treated by an EMS unit for a wound to her left breast; she could not give a statement to the officer. The officer testified that he entered the house and noticed the door had been kicked in and that a bloody knife was set on the coffee table.

Carl Jones, the defendant, testified on his own behalf. He was employed on May 10, 1996, and after work he met Ms. Bradley at Sabrina Cayette's house. He brought her cigarettes and beer. Jones testified that they drank all the beer, and he left to get more. He returned, and he and Ms. Bradley began drinking again. He walked into the kitchen where he saw four men at the kitchen table with crack cocaine. He asked Ms Bradley to leave with him, but she refused. Jones testified that he left the house and did not return. He denied stabbing Barbara Bradley and kicking the door in. Jones admitted to a prior conviction for simple robbery in 1982.

LAW AND DISCUSSION

Counsel filed a brief requesting a review for errors patent. Counsel complied with the procedures outlined by Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), as interpreted by this Court in State v. Benjamin, 573 So.2d 528 (La. App. 4th Cir. 1990). Counsel filed a brief complying

with State v. Jyles, 96-2669 (La. 12/12/97), 704 So.2d 241. Counsel's detailed review of the procedural history of the case and the facts of the case indicate a thorough review of the record. Counsel moved to withdraw because he believes, after a conscientious review of the record, that there is no non-frivolous issue for appeal. Counsel reviewed available transcripts and found no trial court ruling that arguably supports the appeal. A copy of the brief was forwarded to the defendant, and this Court informed him that he had the right to file a brief in his own behalf. He has not done so.

As per State v. Benjamin, this Court performed an independent, thorough review of the pleadings, minute entries, bill of information, and transcripts in the appeal record. The defendant was properly charged by bill of information with a violation of La. R.S. 14:60, and the bill was signed by an assistant district attorney. The defendant was present and represented by counsel at arraignment, motion hearings, trial, and sentencing. A review of the trial transcript reveals that the State proved the offense beyond a reasonable doubt. The sentence is legal in all respects. Our independent review reveals no non-frivolous issue and no trial court ruling which arguably supports the appeal.

CONCLUSION

Based on the foregoing, the defendant's conviction and sentence are affirmed. Appellate counsel's motion to withdraw is granted.

CONVICTION AND SENTENCE AFFIRMED;
COUNSEL'S MOTION TO WITHDRAW GRANTED