

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA** \* **NO. 2001-KA-0377**  
**VERSUS** \* **COURT OF APPEAL**  
**FRANK SERGENT** \* **FOURTH CIRCUIT**  
\* **STATE OF LOUISIANA**  
\*  
\*  
\*  
\* \* \* \* \*

**APPEAL FROM**  
**CRIMINAL DISTRICT COURT ORLEANS PARISH**  
**NO. 410-885, SECTION "B"**  
**Honorable Patrick G. Quinlan, Judge**  
\* \* \* \* \*  
**Judge David S. Gorbaty**  
\* \* \* \* \*

(Court composed of Judge Joan Bernard Armstrong, Judge James F. McKay, III, Judge David S. Gorbaty)

Harry F. Connick  
District Attorney  
Julie Tizzard  
Assistant District Attorney  
619 South White Street  
New Orleans, LA 70119  
COUNSEL FOR PLAINTIFF/APPELLEE

William R. Campbell, Jr.

LOUISIANA APPELLATE PROJECT  
700 Camp Street  
New Orleans, LA 70130  
COUNSEL FOR DEFENDANT/APPELLANT

**AFFIRMED**

Frank Sergent appeals his conviction for simple burglary. For the following reasons, we affirm.

**FACTS:**

On November 23, 1999, Frank Sergent was charged by bill of information with simple burglary in violation of La. Rev. Stat. 14:62. At a pre-trial hearing, Sergent's motion to suppress the evidence was denied and probable cause was found to bind the defendant over for trial. At trial on February 3, 2000, a six-member jury found him guilty as charged. The state filed a multiple bill charging Sergent as a second offender. On July 13, 2000, after being advised of his *Boykin* rights, Sergent pleaded guilty to the bill, and was sentenced to serve twelve years at hard labor. The sentence is to be served concurrently with any other sentence the defendant is serving.

At trial, Kevin Williams, a security counselor for the Orleans Parish School Board, testified that on October 30, 1999, about 3:35 a.m. he received a dispatch that the alarm system had been activated at the Mahalia Jackson School. Williams, who had been patrolling nearby, arrived at the

school immediately. He testified that he was able to see a man on the second floor of the school, who appeared to be carrying a television set. Williams unlocked the gate on the chain-link fence surrounding the school, and entered the school building. He met Sergeant on the first floor. When Williams ordered him to stop, Sergeant did so and then placed the computer monitor and a book bag that he was carrying on the floor. Williams handcuffed Sergeant and called the police. An inspection of the school premises revealed that a computer hard drive was outside the building, the lock securing the monitor to a table had been broken, a window had been forced open, and a door was open. Sergeant was unable to provide any information that would justify his being in the school at that time of the morning.

Officer Chris Gibson testified that he answered the summons to the Mahalia Jackson School when the police were called. There he found Sergeant on the ground and the security officer standing over him. A computer monitor and a book bag containing school supplies were nearby.

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. 4 Cir. 1990). Counsel's brief also was in

compliance 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 also moved to withdraw believing that, after a conscientious review of the record, 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 Sergent, 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. Sergent was charged properly by bill of information with a violation of La. Rev. Stat. 14:62, and the bill was signed by an assistant district attorney. Sergent was present and represented by counsel at arraignment, motion hearings, trial, and sentencing. The sentence is legal in all respects.

Our independent review reveals no non-frivolous issue and no trial court ruling that arguably supports the appeal. Frank Sergent's conviction and sentence are affirmed. Appellate counsel's motion to withdraw is granted.

**AFFIRMED**