

**STATE OF LOUISIANA**

\*

**NO. 2001-KA-0637**

**VERSUS**

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**COURT OF APPEAL**

**CHARLES WILLIAMS**

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**FOURTH CIRCUIT**

\*

**STATE OF LOUISIANA**

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APPEAL FROM  
CRIMINAL DISTRICT COURT ORLEANS PARISH  
NO. 416-869, SECTION "J"  
Honorable Leon Cannizzaro, Judge

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**JUDGE**

**JOAN BERNARD ARMSTRONG**

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(Court composed of Judge Joan Bernard Armstrong, Judge Patricia Rivet Murray and Judge David S. Gorbaty)

**HARRY F. CONNICK**

DISTRICT ATTORNEY

**JULIE C. TIZZARD**

ASSISTANT DISTRICT ATTORNEY

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COUNSEL FOR PLAINTIFF/APPELLEE

**HOLLI HERRLE-CASTILLO**

LOUISIANA APPELLATE PROJECT

P. O. BOX 2333  
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COUNSEL FOR DEFENDANT/APPELLANT

**AFFIRMED.**

The defendant, Charles D. Williams, was charged by bill of information on September 22, 2000, with possession of crack cocaine, in violation of La. R.S. 40:967(C). At his arraignment on September 27, 2000 he pleaded not guilty. However, after trial on October 24, 2000 a six-person jury found the defendant guilty as charged. The state filed a multiple bill charging the defendant as a third felony offender, and on March 8, 2001, after being advised of his rights and pleading guilty to the bill, he was sentenced to serve five years at hard labor under La. R.S. 15:529.1. The defendant's motion for reconsideration of sentence was denied, and his motion for an appeal was granted.

At trial Officer Gerald Parker and his partner, LeJon Roberts, testified that about 5 p.m. on September 7, 2000, they were driving in the 2900 block of South Saratoga when they saw the defendant discard a glass bottle in an empty lot. The officers stopped to give him a citation for littering. As they watched the defendant walk toward them, they noticed that he staggered, and when he spoke, they detected alcohol on his breath. Determining that the defendant was intoxicated, the officers concluded that he was a danger to

himself and others and arrested him. The citation accused the defendant of public intoxication and littering. As a result of a search incident to arrest, a small white rock and a glass tube pipe with a visible residue were found in the defendant's right pants' pocket.

The parties stipulated that both the white rock and the glass tube taken from the defendant were tested and proved positive for crack cocaine.

The defendant testified that he was living at 2424 Valence Street about a mile and a half from where he was arrested. The defendant said he was riding a bicycle at the intersection of Danneel and Seventh Streets when a police car almost collided with him. The officers gave his bicycle to a bystander and took him to jail for drunkenness. However, the defendant stated that he does not drink. Williams denied having the pipe or the rock on his person when he was arrested. He admitted to having used heroin in the past, but he stated that he does not smoke crack cocaine. On cross-examination the defendant was asked if he was convicted of possession of cocaine in 1992, and he admitted the conviction but continued to maintain that he did not use cocaine. Additionally, he acknowledged convictions for burglary in 1974 and 1978, unauthorized use of a credit card in 1984, burglary in 1990, carrying a concealed weapon in 1990, possession of stolen property in 1992. The defendant further stated that Officer Roberts arrested

him in July for burglary but the charges were dropped.

Officer Roberts testified in rebuttal that the defendant was not riding a bicycle when he was arrested and that he did not arrest Williams in July.

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 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 she 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 which 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. 40:967(C), 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.

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.

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

**AFFIRMED.**