

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA** \* **NO. 2002-KA-1525**  
**VERSUS** \* **COURT OF APPEAL**  
**LATASHA RUFFIN** \* **FOURTH CIRCUIT**  
\* **STATE OF LOUISIANA**  
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APPEAL FROM  
CRIMINAL DISTRICT COURT ORLEANS PARISH  
NO. 427-503, SECTION "J"  
Honorable Leon Cannizzaro, Judge  
\* \* \* \* \*  
**Judge David S. Gorbaty**  
\* \* \* \* \*

(Court composed of Chief Judge William H. Byrnes III, Judge Dennis R. Bagneris, Sr., Judge David S. Gorbaty)

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**AFFIRMED**

On January 23, 2002, Latasha Ruffin was charged by bill of information with one count of solicitation for crime against nature, in violation of La. R.S. 14:89(2). Although she pled not guilty to the charge, on February 7, 2002 a six-person jury found her guilty as charged. The court ordered a presentence investigation, and on April 8, 2002, the court sentenced her to two years at hard labor, suspended, and placed her on three years active probation with various conditions. On the same date, the court denied her motion to reconsider sentence but granted her motion for appeal. She now comes before this court on appeal of her conviction and sentence.

**FACTS**

At trial, Det. Kaufman testified that on January 9, 2002, he was part of an undercover operation designed to catch people soliciting for prostitution and crime against nature. He testified he was driving an unmarked car that night, and as he was driving up Tulane Avenue, he saw the defendant Latasha Ruffin standing on the corner of S. Pierce Street. He testified he pulled up to the corner and rolled down the passenger window. He stated Ms. Ruffin approached the car, opened the door, and asked if she could enter

the car. He assented, and when she got into the car he drove away from the corner. He testified the two engaged in small talk until he got near the corner of Canal Street and Carrollton Avenue, at which time she offered to engage in fellatio in exchange for \$25. Det. Kaufman testified that in addition, she offered herself for the night and offered to do whatever he wanted. He testified that at that point, he gave a pre-arranged signal to a back-up officer who was following them, and the officer eventually stopped them. Ms. Ruffin was then taken from the car, handcuffed, and placed under arrest. Det. Kaufman admitted no money exchanged hands, nor was any device used to record the solicitation. He also testified that another woman who was standing with Ms. Ruffin a short time before he picked up Ms. Ruffin was picked up by another undercover officer and arrested at a location away from that corner.

The defense presented Dr. Rafael Salcedo, who was qualified as an expert in the field of forensic clinical psychology with a subspecialty in sexual behavior. He testified that a person engaging in oral sex is not considered to have a sexual disorder, nor did he consider the practice of oral sex to be unnatural; in fact, he testified, sometimes oral sex is suggested by physicians in the treatment of sexual disorders. He also testified that a homosexual person generally finds having a sexual encounter with a person

of the opposite sex to be repulsive. He stated he had not met with Ms. Ruffin at any time.

Latasha Ruffin denied soliciting Det. Kaufman for sex. She stated that on the night of her arrest she had been drinking at a bar, trying to console herself over her breakup with her female companion. She stated she began walking home down Tulane Avenue, and she stopped to talk to a woman on the street, who she theorized had stopped her because she (Ms. Ruffin) was dressed like a man and had short hair. Ms. Ruffin stated that when she turned down the woman's offer of a date, a man drove up to the woman, and the woman got in the car with the man and drove away. Ms. Ruffin testified she continued walking toward her home, and Det. Kaufman drove up and offered her a ride. She stated they drove for a while, making small talk, and when she mentioned she worked at the Ritz Carlton, he stated he was in town for a convention and was staying at a hotel in the French Quarter. She denied offering to have sex with Det. Kaufman, offering to perform fellatio on him, or offering herself to him for the night. She maintained she was a lesbian and had never had sex with a man.

## **DISCUSSION**

Counsel for the appellant has filed a brief requesting a review of the record 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 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 defendant, and this Court informed her that she had the right to file a brief in her own behalf. The defendant has not done so. Thus, this Court's review is limited to errors patent on the face of the record. La. C.Cr.P. art. 920.

As per State v. Benjamin, supra, this Court performed an independent, thorough review of the pleadings, minute entries, bill of information, and transcript in the appeal record. Defendant was properly charged by bill of information with a violation of La. R.S. 14:89(2), and the bill was signed by an assistant district attorney. The defendant was present and represented by counsel at arraignment, during the trial, and at sentencing. The jury verdict and the defendant's sentence are legal in all respects. Furthermore, a review of the trial transcript shows that the State provided sufficient evidence to

prove beyond a reasonable doubt that the defendant committed crime against nature by solicitation in violation of La. R.S. 14:89(2).

Our independent review reveals no non-frivolous issue and no trial court ruling that arguably supports the appeal.

### **CONCLUSION**

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

**AFFIRMED**