

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA** \* **NO. 2007-KA-1582**  
**VERSUS** \* **COURT OF APPEAL**  
**TERRY BRADLEY** \* **FOURTH CIRCUIT**  
\* **STATE OF LOUISIANA**

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APPEAL FROM  
CRIMINAL DISTRICT COURT ORLEANS PARISH  
NO. 466-027, SECTION "F"  
HONORABLE DENNIS J. WALDRON, JUDGE

\* \* \* \* \*

**JUDGE MICHAEL E. KIRBY**

\* \* \* \* \*

(Court composed of Judge Michael E. Kirby, Judge Terri F. Love, Judge David S. Gorbaty)

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**CONVICTION AND SENTENCE AFFIRMED, MOTION TO WITHDRAW  
AS COUNSEL GRANTED.**

Terry Bradley appeals his conviction and sentence, requesting only a review of the record for errors patent. Finding no error, we affirm Bradley's conviction and sentence.

The State charged Terry Bradley on July 20, 2006, with one count of simple possession of cocaine. Bradley appeared several times for arraignment, but arraignment was reset to allow him time to hire counsel. He did not appear on August 18, and the court forfeited his bond on September 1 and issued a warrant for his arrest. Bradley appeared in court on September 27 and pled not guilty. On November 14, the court heard and denied his motion to suppress the evidence. On January 10, 2007, a six-person jury found him guilty as charged. The State filed a multiple bill on January 17, and the court reset the hearing on the bill several times to allow the State time to obtain the necessary documentation. The court also ordered a presentence investigation. On June 14, Bradley pled guilty to the allegations in the multiple bill, and the court sentenced him as a second offender to serve thirty months at hard labor. The court denied his motion for reconsideration of sentence but granted his motion for appeal.

Capt. Louis Faust and Off. John Barbetti both testified at trial as to the events leading to Bradley's arrest. On the afternoon of June 26, 2006, they were on patrol on N. Derbigny Street. On the corner of N. Derbigny and Conti Streets was a small store, and as they were turning the corner they noticed Bradley standing next to the store, leaning on the wall. When Bradley saw the officers' car approaching, he looked startled and moved away from the wall. The officers slowed their car and turned the corner. As they did so, they saw Bradley move his arms behind his back, as if stretching. They then saw Bradley move his arms back to his sides, and as he did so, he dropped a small shiny white object from his left hand. The officers stopped the car, and while Off. Barbetti detained Bradley, Capt. Faust went to the area where Bradley dropped the object and retrieved a small rock of crack cocaine wrapped in plastic. Capt. Faust testified that although the area had litter, there was no other object that resembled the object he saw Bradley drop. Both officers testified that as Capt. Faust retrieved the object, Bradley repeatedly told him that it was not his. The officers arrested Bradley, but a search revealed no other evidence. Both officers also testified that Bradley identified himself as Terry Lemmon.

On cross-examination, both officers testified that they did not see Bradley retrieve the object from his pocket.

The parties stipulated that if Off. John Palm, Jr., of the N.O.P.D. Crime Lab were to appear, he would be qualified as an expert in the examination and identification of cocaine. The parties further stipulated that Off. Palm would testify that he tested S-1, the object seized at Bradley's arrest, and that it tested positive for cocaine.

By his sole assignment of error, Bradley requests a review of the record for patent errors. Such review shows there are none. 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 Bradley, and this Court informed him that he had the right to file a brief in his own behalf. He has not done so. Thus, this Court's review is limited to errors on the face of the record. La. C.Cr.P. art. 920.

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. Bradley was properly charged by bill of information with a violation of La. R.S. 40:967, and the bill was signed by an assistant district attorney. Bradley was present and represented by counsel at arraignment, during trial, and at sentencing. The jury's verdict and Bradley'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 Bradley was guilty of simple possession of cocaine.

Our independent review reveals no non-frivolous issue and no trial court ruling that arguably supports the appeal. Therefore, we affirm Terry Bradley's conviction and sentence, and we grant appellate counsel's motion to withdraw.

**CONVICTION AND SENTENCE AFFIRMED, MOTION TO  
WITHDRAW AS COUNSEL GRANTED.**