

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2011 KA 0895

STATE OF LOUISIANA

VERSUS

CHRISTOPHER R. DUFRENE

**On Appeal from the 22nd Judicial District Court
Parish of St. Tammany, Louisiana
Docket No. 499,616, Division "D"
Honorable Peter J. Garcia, Judge Presiding**

**Walter P. Reed
District Attorney
Covington, LA**

**Attorneys for
State of Louisiana**

and

**Kathryn Landry
Special Appeals Counsel
Baton Rouge, LA**

**Prentice L. White
Louisiana Appellate Project
Baton Rouge, LA**

**Attorney for
Defendant-Appellant
Christopher R. Dufrene**

BEFORE: CARTER, C.J., PARRO, AND HIGGINBOTHAM, JJ.

Judgment rendered November 9, 2011

ORB
SP
TMH

PARRO, J.

The defendant, Christopher R. Dufrene, was charged by bill of information with theft of property with a value of \$500 or more, a violation of LSA-R.S. 14:67. The defendant pled not guilty. The defendant filed a motion to quash the bill of information, which was denied. Thereafter, the defendant withdrew his prior plea of not guilty and, at a **Boykin** hearing, entered a **Crosby**¹ plea of guilty to the charge, reserving his right to challenge the trial court's ruling on the motion to quash. The defendant was sentenced to five years of imprisonment at hard labor. The trial court suspended the sentence and placed the defendant on probation for five years. As conditions of his probation, the defendant was ordered to make restitution and to pay a fine of \$1,000 plus costs. The defendant now appeals. We affirm the conviction and sentence.

FACTS

Because the defendant pled guilty, the facts were not developed. According to the bill of information and the **Boykin** colloquy, on June 10, 2008, the defendant stole an All-Terrain Vehicle belonging to Jean Kahler in St. Tammany Parish.

ISSUES PRESENTED

Defense counsel has filed a motion to withdraw from the case. In accordance with the procedures outlined in **Anders v. California**, 386 U.S. 738, 744-45, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), **State v. Jyles**, 96-2669 (La. 12/12/97), 704 So.2d 241, 242 (per curiam), and **State v. Benjamin**, 573 So.2d 528, 530-31 (La. App. 4th Cir. 1990),² defense counsel has filed a supporting brief to the motion to withdraw arguing that, after a conscientious and thorough review of the record, he has found no non-frivolous issues for appeal and can find no ruling of the trial court that arguably supports the appeal.

Defense counsel has notified the defendant of the filing of this motion and

¹ **State v. Crosby**, 338 So.2d 584 (La. 1976).

² In **State v. Mouton**, 95-0981 (La. 4/28/95), 653 So.2d 1176, 1177 (per curiam), the Louisiana Supreme Court sanctioned the procedures outlined in **Benjamin**, for use by the appellate courts of Louisiana. See **Jyles**, 704 So.2d 241.

informed him of his right to file a pro se brief on his own behalf. The defendant has not filed a pro se brief with this court.

This court has 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 LSA-R.S. 14:67, and the bill was signed by an assistant district attorney. The defendant was present and represented by counsel at arraignment, the **Boykin** examination, and sentencing. See **Boykin v. Alabama**, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). The sentence imposed is legal in all respects.

The defense counsel asks this court to examine the record for error under LSA-C.Cr.P. art. 920(2). This court routinely reviews the record for such errors, whether or not such a request is made by a defendant. Under LSA-C.Cr.P. art. 920(2), we are limited in our review to errors discoverable by a mere inspection of the pleadings and proceedings without inspection of the evidence. After a careful review of the record in these proceedings, we have found no reversible errors. See **State v. Price**, 05-2514 (La. App. 1st Cir. 12/28/06), 952 So.2d 112, 124-25 (en banc), writ denied, 07-0130 (La. 2/22/08), 976 So.2d 1277.

Our independent review reveals no non-frivolous issues that would arguably support this appeal. Accordingly, the defendant's conviction and sentence are affirmed. Furthermore, defense counsel's motion to withdraw is granted.

CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.