

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2013 KA 0612

STATE OF LOUISIANA

VERSUS

LAVON MARKEE BULLOCK

Judgment Rendered: November 1, 2013

Appealed from the
Twenty-Second Judicial District Court
In and for the Parish of St. Tammany, State of Louisiana
Trial Court Number 520513

Honorable Reginald T. Badeaux, III, Judge Presiding

Walter P. Reed
Covington, LA

Counsel for Appellee,
State of Louisiana

Kathryn Landry
Baton Rouge, LA

Mary E. Roper
Baton Rouge, LA

Counsel for Defendant/Appellant,
Lavon Markee Bullock

BEFORE: WHIPPLE, C.J., WELCH AND CRAIN, JJ.

WPR
JAL
WJC
by WPR

WHIPPLE, C.J.

The defendant, Lavon M. Bullock, was charged by Twenty-Second Judicial District Court bill of information number 520513 with one count of simple burglary of an inhabited dwelling, a violation of LSA-R.S. 14:62.2, and initially pled not guilty. Following the denial of his motions to suppress (filed under a different bill of information) and the filing of a habitual offender bill against him, pursuant to a plea agreement, defendant pled guilty to numerous charges, including the instant offense, in his best interests, reserving his right to seek review of the court's ruling on the motions to suppress.¹ See North Carolina v. Alford, 400 U.S. 25, 37, 91 S. Ct. 160, 167, 27 L. Ed. 2d 162 (1970) and State v. Crosby, 338 So. 2d 584 (La. 1976). On the instant charge, he was sentenced as a second-felony habitual offender to twenty years at hard labor without benefit of probation or suspension of sentence. He now appeals, filing a counseled brief with no assignments of error, but requesting review for error under LSA-C.Cr.P. art. 920(2).

FACTS

The State and the defense stipulated that Allen Crawford's house was burglarized on February 7, 2012, and two subjects, a white male and a black male, "were identified" by a neighbor and Crawford's nephew. Approximately three weeks later, the subjects were located behind another house, without permission to be there, and acting suspiciously. They left after being confronted. Thereafter, they were seen by Larry Crawford, who "witnessed them burglarized [sic] the residence and positively identified with the Pearl River [Police Department]."

¹See State v. Bullock, 2013-0613 (La. App. 1st Cir 11/1/13) (unpublished), also rendered this date.

ISSUES PRESENTED

The counseled defense brief contains no assignments of error and sets forth it is filed to conform with the procedures outlined in Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), and State v. Jyles, 96-2669 (La. 12/12/97), 704 So. 2d 241 (per curiam); see also State v. Benjamin, 573 So. 2d 528 (La. App. 4th Cir. 1990).

Benjamin set forth a procedure to comply with Anders, wherein the U.S. Supreme Court discussed how appellate counsel should proceed when, upon conscientious review of a case, counsel found the case wholly frivolous. Benjamin has repeatedly been cited with approval by the Louisiana Supreme Court. See Jyles, 704 So. 2d at 241; State v. Mouton, 95-0981 (La. 4/28/95), 653 So. 2d 1176, 1177 (per curiam); State v. Royals, 600 So. 2d 653 (La. 1992); State v. Robinson, 590 So. 2d 1185 (La. 1992) (per curiam).

Defense counsel has set forth and reviewed the procedural history of the case. She sets forth that after a conscientious and thorough examination of the record, she has found no non-frivolous issues to present on appeal and no ruling of the trial court which arguably supports an appeal, either under existing jurisprudence or under a change which should be effected in the law. Accordingly, she moves to withdraw.

A copy of defense counsel's brief and motion to withdraw were sent to the defendant. This court sent the defendant notice of a pro se briefing schedule pursuant to an order issued on May 16, 2013. However, the defendant has not filed a pro se brief with this court.

This court has conducted an independent review of the entire record in this matter. We have found no reversible errors under LSA-C.Cr.P. art. 920(2).

Furthermore, we conclude there are no non-frivolous issues or trial court rulings which arguably support this appeal. Accordingly, the defendant's conviction and sentence are affirmed. Defense counsel's motion to withdraw, which has been held in abeyance pending the disposition of this matter, is hereby granted.

CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.