

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2013 KA 1213

STATE OF LOUISIANA

VERSUS

BOBBY RAY BROWN

Judgment Rendered: FEB 18 2014

\*\*\*\*\*

On Appeal from  
The 19<sup>th</sup> Judicial District Court,  
In and for the Parish of East Baton Rouge,  
State of Louisiana  
Trial Court No.11-11-0120  
The Honorable Louis R. Daniel, Judge Presiding

\*\*\*\*\*

Hillar C. Moore, III  
District Attorney  
Baton Rouge, Louisiana

Attorney for Plaintiff/Appellee,  
State of Louisiana

Frederick Kroenke  
Baton Rouge, Louisiana

Attorney for Defendant/Appellant,  
Bobby Ray Brown

\*\*\*\*\*

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

WJW  
JEW  
MJ

## **CRAIN, J.**

Defendant, Bobby Ray Brown, was charged by amended bill of information with violation of a protective order, a violation of Louisiana Revised Statute 14:79C(3). He initially pled not guilty. Following jury selection and the trial testimony of one witness, defendant advised the trial court that he wished to withdraw his former plea of not guilty and enter a plea of guilty as charged. The trial court accepted defendant's guilty plea and sentenced him to serve four years at hard labor, without benefit of parole, probation, or suspension of sentence. We affirm defendant's conviction and sentence, and grant defense counsel's motion to withdraw.

### **FACTS**

The facts surrounding the instant offense were not fully developed because the defendant pled guilty to the charged offense. However, the record establishes that on October 16, 2010, defendant went to the home of his ex-girlfriend, Madonna Lout, in violation of a valid restraining order. The couple argued, and defendant hit Lout in the face.

### **DISCUSSION**

Defense counsel has filed a motion to withdraw from this case and, in accordance with the procedures outlined in *Anders v. California*, 386 U.S. 738, 744, 87 S.Ct. 1396, 1400, 18 L.Ed. 2d 493 (1967), *State v. Jyles*, 96-2669 (La. 12/12/97), 704 So. 2d 241 (*per curiam*), and *State v. Benjamin*, 573 So. 2d 528 (La. App. 4 Cir. 1990), filed a brief setting forth that he has reviewed the record in this case and found no non-frivolous issues to present on appeal. Defense counsel's brief outlines the procedural history of the case, and raises no issues regarding defendant's plea colloquy. Additionally, defense counsel recognizes that defendant may not appeal or seek review of his sentence as it was imposed in conformity with an oral agreement between defendant and the State which was set

forth in the record at the time of his plea. *See* La. Code Crim. Pro. art. 881.2A(2). In his motion to withdraw, defense counsel states that he notified defendant of his right to file a brief in this matter; however, no *pro se* brief has been filed.

This court has performed an independent, thorough review of the pleadings, minute entries, bill of information, and transcript in the appellate record.<sup>1</sup> Our independent review reveals no non-frivolous issues or district court rulings that arguably support this appeal. Accordingly, defendant's conviction and sentence for violation of a protective order are affirmed. Defense counsel's motion to withdraw is granted.

**CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.**

---

<sup>1</sup> We note that the trial court granted defendant's *pro se* motion for appeal, despite it being filed more than thirty days after his conviction and sentence. *See* La. Code Crim. Pro. art. 914B(1) (setting time limitations for motions for appeal). Instead of dismissing defendant's appeal as untimely only to have the trial court later grant defendant a motion for out-of-time appeal, we maintained defendant's instant appeal in the interest of judicial economy.