

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2013 KA 1725

STATE OF LOUISIANA

VERSUS

CHRISTOPHER LLOYD MARICLE

Judgment rendered **MAR 21 2014**

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Appealed from the  
22<sup>nd</sup> Judicial District Court  
in and for the Parish of St. Tammany, Louisiana  
Trial Court No. 506844  
Honorable Allison H. Penzato, Judge

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WALTER P. REED  
DISTRICT ATTORNEY  
COVINGTON, LA  
KATHRYN W. LANDRY  
SPECIAL APPEALS COUNSEL  
BATON ROUGE, LA

LIEU T. VO CLARK  
MANDEVILLE, LA

ATTORNEYS FOR  
STATE OF LOUISIANA

ATTORNEY FOR  
DEFENDANT-APPELLANT  
CHRISTOPHER LLOYD MARICLE

\*\*\*\*\*

**BEFORE: PETTIGREW, McDONALD, AND McCLENDON, JJ.**

## **PETTIGREW, J.**

The defendant, Christopher Lloyd Maricle, was charged by amended grand jury indictment with sexual battery, a violation of La. R.S. 14:43.1 (Count 1) and indecent behavior with juveniles, a violation of La. R.S. 14:81 (Counts 2 and 3). He initially entered a plea of not guilty, but later withdrew this plea and pled guilty as charged pursuant to a plea agreement. Under this agreement, the defendant was sentenced to twenty-five years at hard labor without the benefit of parole on Count 1. On Counts 2 and 3, he was sentenced to seven years, at hard labor, on each count. The district court ordered that the sentences run concurrently. The defendant did not appeal in a timely manner, but was granted an out-of-time appeal. For the following reasons, we affirm the defendant's convictions and sentences and grant defense counsel's motion to withdraw.

### **FACTS**

The facts of this case were not fully developed because the defendant pled guilty. According to the indictment and the **Boykin** colloquy, the defendant engaged in indecent behavior with two juvenile victims between September 1, 2010, and March 16, 2011, and March 1, 2011, and March 10, 2011. On March 30, 2011, the defendant was involved with a third juvenile victim and charged with sexual battery.

### **DISCUSSION**

Defense counsel has filed a brief containing no assignments of error and a motion to withdraw from this case. In her brief and motion to withdraw, referring to the procedures outlined in **State v. Jyles**, 96-2669, pp. 2-3 (La. 12/12/97), 704 So.2d 241, 241-242 (per curiam) and **Anders v. California**, 386 U.S. 738, 744-745, 87 S.Ct. 1396, 1400, 18 L.Ed.2d 493 (1967), defense counsel indicated that after a conscientious and thorough review of the district court record, she could find no non-frivolous issues to raise on appeal. See also **State v. Mouton**, 95-0981, pp. 1-2 (La. 4/28/95), 653 So.2d 1176, 1177 (per curiam); **State v. Benjamin**, 573 So.2d 528, 529-531 (La. App. 4 Cir. 1990).<sup>1</sup>

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<sup>1</sup> The **Anders** procedure followed in Louisiana was discussed in **Benjamin**, sanctioned by the Louisiana Supreme Court in **Mouton**, and expanded by the Louisiana Supreme Court in **Jyles**.

According to **Anders**, "if counsel finds his case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw." **Anders**, 386 U.S. at 744, 87 S.Ct. at 1400. To comply with **Jyles**, appellate counsel must not only review the procedural history of the case and the evidence, but their brief also must contain "a detailed and reviewable assessment for both the defendant and the appellate court of whether the appeal is worth pursuing in the first place." **Jyles**, 96-2669 at 3, 704 So.2d at 242 (quoting **Mouton**, 95-0981 at 2, 653 So.2d at 1177). When conducting a review for compliance with **Anders**, an appellate court must conduct an independent review of the record to determine whether the appeal is wholly frivolous.

Herein, the brief filed on behalf of the defendant by defense counsel complied with the requirements of **Anders**. Defense counsel reviewed the procedural history and record of the case. Defense counsel noted that the guilty plea colloquy in this case reflects that the defendant was informed of and agreed to the imposed sentences prior to entering his guilty plea. Citing La. Code Crim. P. art. 881.2(A)(2), defense counsel noted that a defendant cannot appeal or seek review of a sentence imposed in conformity with a plea agreement set forth in the record at the time of the plea. Defense counsel concluded in her brief and motion to withdraw that there were no non-frivolous issues for appeal. Further, defense counsel certified that the defendant was served with a copy of her brief and motion to withdraw as counsel of record, and was notified of his right to file a pro se brief. The defendant has not filed a pro se brief.

This court has conducted an independent review of the entire record in this matter, including a review for error under La. Code Crim. P. art. 920(2). We have found no reversible errors in this case. See **State v. Price**, 2005-2514, pp. 18-22 (La. App. 1 Cir. 12/28/06), 952 So.2d 112, 123-125 (en banc), writ denied, 2007-0130 (La. 2/22/08), 976 So.2d 1277. Furthermore, our review revealed no non-frivolous issues or district court rulings that arguably support this appeal. Accordingly, the defendant's convictions and sentences are affirmed. Further, defense counsel's motion to withdraw is hereby granted.

**CONVICTIONS AND SENTENCES AFFIRMED; MOTION TO WITHDRAW GRANTED.**