

**NOT DESIGNATED FOR PUBLICATION**

*JFW*  
*WJW*  
*[Signature]*

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2015 KA 0674

STATE OF LOUISIANA

VERSUS

IVAN CONSTANTINE GRIFFIN

Judgment Rendered: NOV 06 2015

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Appealed from the  
19<sup>th</sup> Judicial District Court  
In and for the Parish of East Baton Rouge, Louisiana  
Trial Court Number 05-14-0905

Honorable Richard D. Anderson, Judge

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Defendant – Ivan Constantine Griffin

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**BEFORE: WHIPPLE, C.J., WELCH, AND DRAKE, JJ.**

## **WELCH, J.**

Defendant, Ivan Constantine Griffin, was charged by bill of information with armed robbery, a violation of La. R.S. 14:64.<sup>1</sup> He initially pled not guilty, but later withdrew that plea and entered a plea of guilty as charged. The trial court sentenced defendant to ten years at hard labor, without the benefit of parole, probation, or suspension of sentence. For the following reasons, we affirm defendant's conviction and sentence. We also grant defense counsel's motion to withdraw.

### **FACTS**

Because defendant pled guilty, the facts of his offense were not developed at a trial. The sworn affidavit attached to defendant's arrest warrant indicates that at approximately 8:15 p.m. on April 24, 2014, defendant and his accomplice, Cheston Sambo, called in a pizza delivery order to the location of 4364 Beech Street in Baton Rouge. When the delivery driver arrived at this location, defendant and Sambo approached him. Sambo produced a black revolver and demanded the victim's property. Defendant and Sambo took the victim's ID card, debit card, phone, cash, and the delivery order. Defendant and Sambo then fled in the victim's vehicle. The victim reported this incident to the police. A member of the Baton Rouge Police Department uniform patrol later located the victim's stolen vehicle on College Drive, with the defendant and Sambo inside the car. The police searched defendant and Sambo, recovering some of the victim's missing items. Both defendant and Sambo later gave statements admitting to the robbery.

### **ISSUES PRESENTED**

The defense brief contains no assignments of error and sets forth that it is filed to conform with **State v. Jyles**, 96-2669 (La. 12/12/97), 704 So.2d 241 (*per*

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<sup>1</sup> A single codefendant, Cheston Sambo, was charged by an amended version of the same bill of information with armed robbery with a firearm, a violation of La. R.S. 14:64 and 14:64.3. He is not a party to the instant appeal.

*curiam*), wherein the Louisiana Supreme Court approved the procedures outlined in **State v. Benjamin**, 573 So.2d 528 (La. App. 4<sup>th</sup> Cir. 1990). **Benjamin** set forth a procedure to comply with **Anders v. California**, 386 U.S. 738, 744, 87 S.Ct. 1396, 1400, 18 L.Ed.2d 493 (1967), in which the United States Supreme Court discussed how appellate counsel should proceed when, upon conscientious review of a case, counsel finds an appeal would be 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).

Defense counsel reviewed the procedural history of the case in his brief. He sets forth that after a review of the record in this case, he found no non-frivolous errors to present on appeal. Defense counsel notes that he has reviewed the only pretrial ruling in this case – a preliminary examination – and found no appealable issues regarding the trial court’s finding of probable cause. Defense counsel also avers that he has reviewed defendant’s change-of-plea hearing and similarly found no appealable issues. Accordingly, defense counsel requests that this court conduct a review for error under La. Code Crim. P. art. 920 and if the court finds no such errors, that his motion to withdraw be granted and that he be relieved from further briefing. A copy of the defense counsel’s brief was forwarded to the defendant, but to date the defendant has not filed a brief on his own behalf.

This court has conducted an independent review of the entire record in this matter. Since defendant pled guilty, our review of the guilty plea colloquy is limited by **State v. Collins**, 14-1461 (La. 2/27/15), 159 So.3d 1040 (*per curiam*) and **State v. Guzman**, 99-1753 (La. 5/16/00), 769 So.2d 1158. We have found no reversible errors under La. Code Crim. P. art 920(2). Furthermore, we have found no non-frivolous issues or trial court rulings to arguably support this appeal. Accordingly, defendant’s conviction and sentence are affirmed. Defense counsel’s

motion to withdraw, which has been held in abeyance pending the disposition in this matter, is hereby granted.

For the foregoing reasons, the defendant's conviction and sentence are affirmed, and the motion to withdraw is granted.

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