

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**2015 KA 1216**

**STATE OF LOUISIANA**

**VERSUS**

**STEVEN JERMAINE CHARLES**

*UGW by [Signature]  
JEW by [Signature]  
[Signature]*

**Judgment Rendered: DEC 23 2015**

**Appealed from the  
Twenty-Second Judicial District Court  
In and for the Parish of St. Tammany, State of Louisiana  
Trial Court Number 548972**

**Honorable Scott C. Gardner, Judge Presiding**

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**Warren L. Montgomery  
Covington, LA  
and  
Kathryn W. Landry  
Baton Rouge, LA**

**Counsel for Appellee,  
State of Louisiana**

**Prentice L. White  
Baton Rouge, LA**

**Counsel for Defendant,  
Steven Jermaine Charles**

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

## **WHIPPLE, C.J.**

The defendant, Steven Jermaine Charles, was charged by bill of information with aggravated flight from an officer, a violation of LSA-R.S. 14:108.1(C). He pled not guilty and, following a jury trial, was found guilty as charged. He was sentenced to two years imprisonment at hard labor. The State filed a habitual offender bill of information.<sup>1</sup> A hearing was had on the matter, and the defendant was adjudicated a fourth or subsequent felony habitual offender. The trial court vacated the two-year sentence and resentenced the defendant to twenty years imprisonment at hard labor without benefit of probation or suspension of sentence. The defendant now appeals. We affirm the defendant's conviction, habitual offender adjudication, and sentence.

### **FACTS**

On May 8, 2014, Lieutenant Sean McClain, with the Slidell Police Department, was on patrol. He had information that the defendant was wanted on a warrant. Lieutenant McClain spotted the defendant driving out of the Stone Throw Apartments on U.S. Hwy 11 in Slidell. Lieutenant McClain, in an unmarked unit, called for marked units to assist him in stopping the defendant. Some marked units observed the defendant driving and trailed him. When they arrived near Slidell Memorial Hospital on Gause Boulevard, officers activated their lights. The defendant did not stop. When sirens were activated, the defendant still refused to stop. The defendant turned into a neighborhood, where he ran three stop signs, straddled the center of the roadway, sped about fifteen miles per hour above the speed limit, and traveled on the wrong side of a cul-de-sac. The defendant finally pulled into a driveway and took off on foot. A female passenger and two small children were left behind in the vehicle the defendant was driving. The

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<sup>1</sup>The defendant had prior convictions for possession of cocaine, possession of marijuana, introduction of contraband into a penal institution, and possession with intent to distribute marijuana.

defendant was chased into a pond in the back of the neighborhood, where he was subsequently subdued and arrested.

### 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, 87 S. Ct. 1396, 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. 4th Cir. 1990),<sup>2</sup> 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 nonfrivolous issues for appeal and no ruling of the trial court that arguably supports an appeal.

Defense counsel has notified the defendant of the filing of this motion and 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 violation of LSA-R.S. 14:108.1(C), and the bill was signed by the District Attorney or an assistant district attorney. The defendant was present and represented by counsel at arraignment and sentencing. The sentence imposed is legal in all respects. See Benjamin, 573 So. 2d at 531.

This court routinely reviews the record for error under LSA-C.Cr.P. art. 920(2), whether or not such a request is made by a defendant or defense counsel. 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

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<sup>2</sup>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.

evidence. After a careful review of the record in these proceedings, we have found no reversible errors. See State v. Price, 2005-2514 (La. App. 1st Cir. 12/28/06), 952 So. 2d 112, 123-25 (en banc), writ denied, 2007-0130 (La. 2/22/08), 976 So. 2d 1277.

Our independent review reveals no nonfrivolous issues which arguably support this appeal. Accordingly, the defendant's conviction, habitual offender adjudication, and sentence are affirmed. Defense counsel's motion to withdraw is hereby granted.

**CONVICTION, HABITUAL OFFENDER ADJUDICATION, AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.**