

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA
COURT OF APPEAL
FIRST CIRCUIT

2016 KA 0737

STATE OF LOUISIANA

VERSUS

ERIC LAWRENCE THOMPSON

Judgment rendered OCT 31 2016

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On Appeal from the
Twenty-Second Judicial District Court
In and for the Parish of St. Tammany
State of Louisiana
No. 537963 "A"

The Honorable Raymond S. Childress, Judge Presiding

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Matthew Caplan
Assistant District Attorney
Covington, LA

Attorney for Plaintiff/Appellee
State of Louisiana

Prentice L. White
Louisiana Appellant Project
Baton Rouge, LA

Attorney for Defendant/Appellant
Eric Lawrence Thompson

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BEFORE: WELCH, CRAIN, AND HOLDRIDGE, JJ.

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Middle: JEW
Bottom: [Signature]

HOLDRIDGE, J.

The defendant, Eric L. Thompson, was charged by amended bill of information with first degree robbery, in violation of La. R.S. 14:64.1, and accessory after the fact to first degree robbery, a violation of La. R.S. 14:25. The defendant initially pled not guilty. After jury selection, the defendant withdrew his former pleas and pled guilty as charged on both counts. The defendant was sentenced to ten years imprisonment at hard labor without the benefit of probation, parole, and suspension of sentence on count one, and to five years imprisonment at hard labor on count two. The trial court ordered that the sentences be served concurrently. The defendant now appeals. Contending that there are no non-frivolous issues upon which to support the instant appeal, the defense counsel filed a brief on behalf of the defendant raising no assignments of error and requesting a routine patent error review pursuant to La. Code Crim. P. art. 920(2). The defense counsel also filed a motion to withdraw as counsel of record. For the following reasons, we affirm the convictions and sentences, and grant the defense counsel's motion to withdraw.

STATEMENT OF FACTS

Since the defendant entered guilty pleas after the jury was selected and did not proceed to trial, the facts were not fully developed in this case. At the time of the guilty pleas, the State offered a stipulation that there was a factual basis for the pleas, and the defense attorney and trial court accepted the stipulation. According to the amended bill of information, on or about December 23, 2011, the defendant committed the offense of first degree robbery by taking something "of value belonging to another from the person of another, or that is in the immediate control of another," namely Angela Taylor, "by use of force or intimidation, when the offender leads the victim to reasonably believe he is armed with a dangerous weapon." The bill of information further indicates that on that same date, the

defendant committed the offense of accessory after the fact “by aiding the offender, namely Greg Jones,¹ knowing or having reasonable grounds to believe that a felony had been committed,” to wit: first degree robbery.

ANDERS BRIEF

The defense counsel has filed a brief containing no assignments of error and a motion to withdraw. In the brief and motion to withdraw, referring to the procedures outlined in **State v. Jyles**, 96-2669 (La. 12/12/97), 704 So.2d 241 (*per curiam*), counsel indicated that after a conscientious and thorough review of the record, he could find no non-frivolous issues to raise on appeal.

The procedure in **Anders v. California**, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), used in Louisiana, was discussed in **State v. Benjamin**, 573 So.2d 528, 529-31 (La. App. 4 Cir. 1990), sanctioned by the Louisiana Supreme Court in **State v. Mouton**, 95-0981 (La. 4/28/95), 653 So.2d 1176, 1177 (*per curiam*), and expanded by the Louisiana Supreme Court in **Jyles**, 704 So.2d at 242. According to the court in **Anders**, 386 U.S. at 744, 87 S.Ct. at 1400, “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.” To comply with **Jyles**, appellate counsel must review not only the procedural history of the case and the evidence presented at trial, but must also provide “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**, 704 So.2d at 242 (quoting **Mouton**, 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. **State v. Thomas**, 2012-0177 (La. App. 1 Cir. 12/28/21), 112 So.3d 875, 878.

¹ Jones separately appealed to this Court. See **State v. Jones**, 2013-1716 (La. App. 1 Cir. 4/28/14) (unpublished) (2014 WL 1691349), writ denied, 2014-1074 (La. 1/9/15), 157 So.3d 596.

Herein, the defense counsel has complied with all the requirements necessary to file an **Anders** brief. The defense counsel has reviewed the procedural history and facts of the case. The defense counsel concludes in his brief that there are no non-frivolous issues for appeal. Further, the defense counsel certifies that the defendant was served with a copy of the **Anders** brief and the motion to withdraw as counsel of record. The defense counsel's motion to withdraw notes the defendant has been notified of the motion to withdraw and his right to file a pro se brief on his own behalf, and the defendant has not filed a pro se brief.

At the **Boykin**² hearing, the trial court inquired as to the defendant's age and educational background, and he indicated that he was forty-one years old with one year of college, confirmed his ability to read and write, and stated that he was not under the influence of any substance. The trial court informed the defendant of the statutory elements and range of sentences for the charged offenses, and stated the specific sentences to be imposed if the guilty pleas were accepted. The defendant stated that he understood the charges and the sentences to be imposed. Prior to the acceptance of the guilty plea, the trial court informed the defendant of his **Boykin** rights (right to trial by jury, right against compulsory self-incrimination, and right of confrontation), his right to an appeal, and that by pleading guilty he would be waiving his rights. The defendant indicated that he understood and waived his rights. As noted by defense counsel, an examination of the colloquy reveals that the trial court thoroughly questioned the defendant to ensure that he understood the rights he was waiving in pleading guilty. Additionally, the defendant confirmed that he had not been intimidated, forced, or coerced to plead guilty. Finally, the trial court imposed the sentences in accordance with the plea agreement.

² **Boykin v. Alabama**, 395 U.S. 238, 243, 89 S.Ct. 1709, 1712, 23 L.Ed.2d 274 (1969).

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). Since the defendant pled guilty, our review of the guilty plea colloquy is limited by **State v. Collins**, 2014-1461 (La. 2/27/15), 159 So.3d 1040 (*per curiam*) and **State v. Guzman**, 99-1528 (La. 5/16/00), 769 So.2d 1158, 1162. 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 that arguably support this appeal. Accordingly, the defendant's convictions and sentences are affirmed. Defense counsel's motion to withdraw, which has been held in abeyance pending the disposition in this matter, is hereby granted.

CONVICTIONS AND SENTENCES AFFIRMED; DEFENSE COUNSEL'S MOTION TO WITHDRAW GRANTED.