

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2016 KA 0807

STATE OF LOUISIANA

VERSUS

QUINTON MATTHEW BROWN

Judgment Rendered: OCT 28 2016

APPEALED FROM THE NINETEENTH JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
DOCKET NUMBER 02-12-0589

HONORABLE DONALD R. JOHNSON, JUDGE

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BEFORE: PETTIGREW, McDONALD, AND DRAKE, JJ.

McDONALD, J.

The defendant, Quinton Matthew Brown, was charged by bill of information with operating a vehicle while intoxicated, third offense, a violation of La. R.S. 14:98(D). The defendant pled not guilty and waived a trial by jury. Following a bench trial, the defendant was found guilty as charged. He was sentenced to five years imprisonment at hard labor. The trial court also imposed a \$2,000 fine; the fine was suspended. The defendant now appeals. We affirm the conviction and sentence.

FACTS

On August 20, 2011, Deputy Michael Ray Barnett, with the East Baton Rouge Parish Sheriff's Office was on duty, traveling northbound on Louisiana Highway 61 in Zachary. Deputy Barnett was in the right lane when the defendant, driving a pickup truck, passed the deputy on the right shoulder of the highway, traveling about 80 miles per hour. Deputy Barnett then observed the defendant pass over into the left lane, then swerve back into the right lane. During these maneuvers, the defendant ran two vehicles off the highway, onto the shoulder. Deputy Barnett turned on his lights and siren and gave chase. During the chase, Deputy Barnett reached speeds of over 90 miles per hour. As the defendant approached Flanacher Road, he failed to negotiate the turn because of his high rate of speed. His truck spun around twice and slid backwards, landing partially into a ditch. Deputy Barnett opened the truck door, turned off the engine, and asked the defendant to get out. Too intoxicated, the defendant could not get himself out of the truck. Deputy Barnett helped the defendant out and stood him up. After talking briefly, the defendant sat back on the seat, fell backwards, and passed out. The defendant's driver's license was expired. Deputy Barnett testified at trial that there were beer cans inside the truck and in the truck bed. He further testified that the defendant had a very strong odor of alcohol on him and that he had very slurred

speech. The defendant was taken to the Zachary police station, where he refused to take the Intoxilyzer breath test. The defendant's prior two DWI convictions were introduced into evidence by Fredrina Spencer, criminal records analyst and expert in fingerprint analysis.

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),¹ defense counsel has also filed a supporting brief to the motion to withdraw arguing that, after a conscientious and thorough review of the record, he has found no non-frivolous 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 La. R.S. 14:98(D), and the bill was signed by an assistant district attorney. Defendant was present at arraignment, where he waived formal arraignment and stated that he was hiring an attorney, and he was present and represented by counsel at 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 La. C.Cr.P. art. 920(2), whether or not such a request is made by a defendant or defense counsel.

¹ 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.

Under La. C.Cr.P. art. 920(2), we are limited in our review to errors discoverable by a mere inspection of the pleadings and proceedings and without inspection of the 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 non-frivolous issues that arguably support this appeal. Accordingly, the defendant's conviction and sentence are affirmed. Defense counsel's motion to withdraw is hereby granted.

CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.