

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2017 KA 0852

STATE OF LOUISIANA

VERSUS

KEITH HARRISON

Judgment rendered **NOV 01 2017**

Appealed from the
22nd Judicial District Court
in and for the Parish of St. Tammany, Louisiana
Trial Court No. 371688
Honorable Martin E. Coady, Judge

WARREN L. MONTGOMERY
DISTRICT ATTORNEY
MATTHEW CAPLAN
ASSISTANT DISTRICT ATTORNEY
COVINGTON, LA

ATTORNEYS FOR
STATE OF LOUISIANA

GWENDOLYN K. BROWN
BATON ROUGE, LA

ATTORNEY FOR
DEFENDANT-APPELLANT
KEITH HARRISON

BEFORE: GUIDRY, PETTIGREW, AND CRAIN, JJ.

PETTIGREW, J.

The defendant, Keith Harrison, was charged by bill of information with molestation of a juvenile, a violation of La. R.S. 14:81.2; and indecent behavior with a juvenile, a violation of La. R.S. 14:81. The defendant pled not guilty to the charges. The defendant filed a motion to suppress his confession. A hearing was held on the matter, and the motion to suppress was denied. Thereafter, the defendant withdrew his prior pleas of not guilty and, at a **Boykin** hearing, entered pleas of guilty as charged in exchange for the State's agreement to forego habitual offender proceedings against him, but without reserving his right to challenge the trial court's pretrial ruling. For the molestation of a juvenile conviction, the defendant was sentenced to ten years imprisonment at hard labor; for the indecent behavior with a juvenile conviction, he was sentenced to seven years imprisonment at hard labor. The sentences were ordered to run concurrently. The defendant now appeals. We affirm the convictions and sentences.

FACTS

Because the defendant pled guilty, the facts were not developed. According to the bill of information, the defendant committed the alleged lewd and lascivious acts between June 13 and June 15, 2003. There were two separate victims subjected to these alleged acts, both of whom were under the age of seventeen at the time of the commission of the offenses.

ISSUES PRESENTED

Appellate counsel for the defendant 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. 4 Cir. 1990),¹ appellate counsel has filed a supporting brief to the motion to withdraw

¹ In **State v. Mouton**, 95-0981, p. 1 (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**, 96-2669 at 1, 704 So.2d 241.

averring that, after a conscientious and thorough review of the record, she has found no non-frivolous issues for appeal and no ruling of the trial court that arguably supports an appeal.

Appellate counsel has notified the defendant of the filing of this motion and informed him of his right to file a pro se brief. 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 violations of La. R.S. 14:81 and La. R.S. 14:81.2, and the bill was signed by the district attorney or an assistant district attorney. The defendant was present and represented by counsel at arraignment, sentencing, and guilty pleas. The sentences imposed are legal in all respects. See Benjamin, 573 So.2d at 531.

This court routinely reviews the record for error under La. Code Crim. P. art. 920(2), regardless of whether such a request is made by a defendant or defense counsel. Under Article 920(2), we are limited in our review to errors discoverable by a mere inspection of the pleadings and proceedings 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, 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.

Our independent review reveals no non-frivolous issues that arguably support this appeal. Accordingly, the defendant's convictions and sentences are affirmed. Appellate counsel's motion to withdraw is hereby granted.

CONVICTIONS AND SENTENCES AFFIRMED; MOTION TO WITHDRAW GRANTED.