

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2018 KJ 1184

STATE OF LOUISIANA IN THE INTEREST OF G.M.

Judgment Rendered: DEC 21 2018

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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. 9891JJ

The Honorable Scott C. Gardner, Judge Presiding

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Warren Montgomery
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State of Louisiana

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Attorney for Defendant/Appellant,
G.M.

* * * * *

BEFORE: GUIDRY, THERIOT, AND PENZATO, JJ.

*ahp
MT
Guy*

PENZATO, J.

The juvenile, G.M., was charged by petition with one count of sexual battery, a violation of La. R.S. 14:43.1. He denied the allegation and, following an adjudication hearing, was adjudicated a delinquent for the charged offense. The juvenile judge imposed a disposition of one year in the custody of the Office of Juvenile Justice; the juvenile judge suspended the disposition and placed the juvenile on one-year supervised probation, subject to special conditions. G.M. now appeals. We affirm the adjudication and disposition and grant appellate counsel's motion to withdraw.

FACTS

On October 11, 2017, G.M. and H.L.¹ were eighth grade students at Fontainebleau Junior High School in Mandeville. G.M. and H.L. sat next to each other at a table in their second period science class. G.M., who appeared to be inebriated, placed his hand on H.L.'s thigh, then slid his hand up and grabbed H.L.'s vagina. H.L. told the principal and her mother, who called the police. H.L. subsequently provided an interview at the Children's Advocacy Center. G.M. claimed that when a friend of his punched him in his arm, he fell toward H.L. and accidentally touched her thigh. G.M. did not testify at the adjudication hearing.

ISSUES PRESENTED

Appellate counsel for the juvenile 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),² appellate counsel has filed a supporting brief to the motion to

¹ The victim is referred to by her initials. See La. R.S. 46:1844(W).

² 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 at 242.

withdraw averring that, after a conscientious and thorough review of the record, she has found no nonfrivolous issues for appeal and no ruling of the juvenile court that arguably supports an appeal. Appellate counsel has notified the juvenile of the filing of this motion and informed him of his right to file a brief. *See Benjamin*, 573 So.2d at 531. The juvenile has not filed a pro se brief with this court.

This court has performed an independent, thorough review of the pleadings, minute entries, petition, and transcripts in the appeal record. The juvenile was properly charged by petition with violation of La. R.S. 14:43.1; the petition was signed by the District Attorney or an assistant district attorney. The juvenile was present and represented by counsel at the answer, adjudication, and disposition hearings. The disposition imposed is 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), whether or not such a request is made by a juvenile or defense counsel. Under La. Code Crim. 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 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 juvenile's adjudication and disposition are affirmed. Appellate counsel's motion to withdraw is hereby granted.

ADJUDICATION AND DISPOSITION AFFRIMED; MOTION TO WITHDRAW GRANTED.