

STATE OF LOUISIANA

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NO. 2000-KA-0961

VERSUS

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COURT OF APPEAL

LORINAN CASTON

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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**APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 411-578, SECTION "J"
Honorable Leon Cannizzaro, Judge**

JOAN BERNARD ARMSTRONG

JUDGE

(Court composed of Judge Joan Bernard Armstrong, Judge James F. McKay III and Judge Dennis R. Bagneris Sr.)

**HON. HARRY F. CONNICK, DISTRICT ATTORNEY
NICOLE BRASSEAU BARRON, ASSISTANT DISTRICT
ATTORNEY**

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COUNSEL FOR PLAINTIFF/APPELLEE

**BRIAN P. BRANCATO
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NEW ORLEANS, LA 70119**

COUNSEL FOR DEFENDANT/APPELLANT

AFFIRMED
COUNSEL'S MOTION TO
WITHDRAW GRANTED

The defendant, Lorinan Caston, was charged by bill of information on December 28, 1999, with solicitation of a crime against nature, a violation of La. R.S. 14:89(2). At her arraignment on January 5, 2000, she pleaded not guilty. However, on January 26th she withdrew her earlier plea and entered a plea of guilty as charged under State v. Crosby, 338 So. 2d 584 (La. 1976). The state filed a multiple bill, and after waiving all legal delays and being advised of her Boykin rights, she pleaded guilty to the bill and was sentenced on that same day to serve thirty months at hard labor as a second offender under La. R.S. 15:529.1. The defendant's motion for an appeal was granted.

Counsel filed a brief requesting a review for errors patent. Counsel complied with the procedures outlined by Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), as interpreted by this Court in State v. Benjamin, 573 So. 2d 528 (La. App. 4th Cir. 1990). Counsel filed a brief complying with State v. Jyles, 96-2669 (La. 12/12/97), 704 So. 2d 241. Counsel's detailed review of the procedural history of the case and the facts of the case indicate a thorough review of the record. Counsel moved to withdraw

because he believes, after a conscientious review of the record, that there is no non-frivolous issue for appeal. Counsel reviewed the available transcript and found no trial court ruling which arguably supports the appeal. A copy of the brief was forwarded to defendant, and this Court informed her that she had the right to file a brief in her own behalf. She has not done so.

As per State v. Benjamin, this Court performed an independent, thorough review of the pleadings, minute entries, bill of information, and transcript in the appeal record. The defendant was properly charged by bill of information with a violation of La. R.S. 14:89(2), and the bill was signed by an assistant district attorney. The defendant was present and represented by counsel at arraignment and sentencing. The sentence is legal in all respects. Our independent review reveals no non-frivolous issue and no trial court ruling which arguably supports the appeal. Accordingly, the defendant's conviction and sentence are affirmed. Appellate counsel's motion to withdraw is granted.

AFFIRMED
COUNSEL'S MOTION TO
WITHDRAW GRANTED