

700 CAMP STREET
NEW ORLEANS, LA 70130
COUNSEL FOR DEFENDANT

**CONVICTION AND SENTENCE AFFIRMED; MOTION TO
WITHDRAW GRANTED.**

John I. Williams (“Williams”) was charged by bill of information on 31 July 2000, with simple robbery, a violation of La. R.S. 14:65. At his arraignment on 3 August 2000 he pled not guilty. After trial on 29 August 2000 a six-member jury found him guilty as charged. The State filed a multiple bill charging Williams as a second felony offender, and after being advised of his Boykin rights, he pled guilty. He was then sentenced to serve seven years at hard labor under La. R.S. 15:529.1. Williams’s motion for reconsideration of sentence was denied, and his motion for an appeal was granted.

At trial Ms. Lynn Nguyen, a desk clerk at the Comfort Suites Hotel, testified that on 7 July 2000 at about 11:15 p.m. she was working when a man wearing a maroon shirt and blue jeans approached her counter. She assumed he was checking into the hotel because he carried a handbag, tan in color. However, he handed her a note saying, “A robbery. \$300.” Ms. Nguyen handed him three twenty-dollar bills from her cash drawer while pushing the panic button—a silent alarm—to alert security. Williams asked

if sixty dollars was all she had, and she answered affirmatively. He then suggested that she call the police. Ms. Nguyen testified that she is five feet tall and the defendant is a head taller. She did not challenge him because she did not know if he carried a weapon in the handbag, and she was very frightened. Her colleague, Darren Duvernay, was nearby, but he was talking on the telephone and did not notice what was happening. As soon as Williams walked out of the door, Ms. Nguyen called Celia Cennett, the security officer, to tell her that the hotel had been robbed. A few minutes later, Ms. Nguyen went into the bar adjacent to the hotel and saw Williams sitting there. She identified him to her colleagues, and customers in the bar immediately surrounded him. The police arrived and arrested Williams.

Mr. Duvernay also testified as to the events of 7 July 2000. When Williams entered the lobby, Mr. Duvernay was talking on the telephone and at the same time looking in a low cabinet for a schedule. He noticed that suddenly Ms. Nguyen was “kicking the ground,” but he did not realize why. When he hung up the telephone, Ms. Nguyen told him she had been robbed. Mr. Duvernay dialed 911 and reported the crime. The security guard went into the bar to inform the bartender of the robbery and returned saying that a man in the bar matched the description of the robber.

Ms. Cennett saw Williams walk up to the desk. Although in an

adjacent room, she could see the front desk through the open door. As Williams walked out of the hotel door, Ms. Nguyen cried, “Ms. Celia, I just got robbed.” Ms. Cennett walked outside but saw no one. She went into the bar and noticed the man sitting at the bar. She asked Ms. Nguyen to come in to identify the robber, and Ms. Nguyen recognized him as the person who had just robbed her.

Ms. Mindy Durel, who works at the Voodoo Too, a bar and grill, which is next door to the Comfort Suites Hotel, told the court that shortly after 11 p.m. on 7 July 2000 a man sat down at the bar. She served him two shots of scotch, and he paid for them with a twenty-dollar bill. He left her a two-dollar tip.

Officer Donald Baptiste investigated the robbery and arrested Williams who had fifty-two dollars in his left sock. When the officer examined the note Ms. Nguyen received from Williams, he noticed that Williams’ name, John Williams, was on the back of the note.

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. 4 Cir. 1990). Counsel filed a brief complying with State v. Jyles, 96-2669 (La. 12/12/97), 704 So. 2d 1. 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 no non-frivolous issue for appeal exists. Counsel reviewed available transcripts and found no trial court ruling, which arguably supports the appeal. A copy of the brief was forwarded to Williams, and this Court informed him that he had the right to file a brief in his own behalf. He has not done so.

As per Benjamin, supra, this Court performed an independent, thorough review of the pleadings, minute entries, bill of information, and transcripts in the appeal record. Williams was properly charged by bill of information with a violation of La. R.S. 14:65, and the bill was signed by an assistant district attorney. Williams was present and represented by counsel at arraignment, trial, and sentencing. The sentence is legal in all aspects. Our independent review reveals no non-frivolous issue and no trial court ruling which arguably supports the appeal.

Accordingly, Williams's conviction and sentence are affirmed. Appellate counsel's motion to withdraw is granted.

CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.