

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA** \* **NO. 2001-KA-1287**  
**VERSUS** \* **COURT OF APPEAL**  
**KEVIN TAYLOR** \* **FOURTH CIRCUIT**  
\* **STATE OF LOUISIANA**  
\*  
\*  
\*  
\* \* \* \* \*

**APPEAL FROM**  
**CRIMINAL DISTRICT COURT ORLEANS PARISH**  
**NO. 369-083, SECTION "A"**  
**Honorable Charles L. Elloie, Judge**  
\* \* \* \* \*  
**Judge Patricia Rivet Murray**  
\* \* \* \* \*

(Court composed of Judge Charles R. Jones, Judge Patricia Rivet Murray,  
Judge Terri F. Love)

Mary Constance Hanes  
LOUISIANA APPELLATE PROJECT  
P. O. Box 4015  
New Orleans, LA 70178-4015  
COUNSEL FOR DEFENDANT/APPELLANT

**AFFIRMED**  
**MOTION**

## **GRANTED**

This is an appeal as to resentencing only.

Kevin Taylor was tried for simple burglary on August 23, 1994, and found to be guilty as charged. The State filed a multiple bill, and after a hearing, the defendant was found to be a third offender. On January 10, 1996, he was sentenced to ten years at hard labor without benefit of parole, probation, or suspension. He appealed, and this court affirmed his conviction but vacated the multiple bill sentence and remanded the case for resentencing because the trial court had failed to vacate the first sentence prior to imposing the multiple bill sentence. State v. Taylor, 97-0461 (La. App. 4 Cir. 7/29/98), 719 So.2d 75.

On March 4, 1999, Mr. Taylor was resentenced to eight years at hard labor as a third felony offender with credit for time served; the sentence is to run concurrently with any other sentence. He now appeals that sentence.

The facts of the case are not at issue here.

Counsel for Mr. Taylor has filed a brief requesting a review for errors patent. Counsel has 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 has 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 has moved to withdraw because she believes, after a conscientious review of the record, that there is no non-frivolous issue for appeal. Counsel asserts that she has reviewed the available transcript and has found no trial court ruling which arguably supports the appeal. A copy of the brief was forwarded to Mr. Taylor, and this court informed him that he has the right to file a brief in his own behalf. He has not done so.

As per State v. Benjamin, this court has performed an independent, thorough review of the transcript in the appeal record. Defendant was present and represented by counsel at 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, Kevin Taylor's conviction and sentence are affirmed. Appellate counsel's motion to withdraw is granted.

**AFFIRMED**

**MOTION GRANTED**

