



MANDEVILLE, LA 704708583  
COUNSEL FOR DEFENDANT/APPELLANT

**CONVICTION AND SENTENCE AFFIRMED; MOTION GRANTED**

The defendant, Larry K. Pierre, was charged by bill of information on 27 December 2000, with distribution of cocaine, a violation of La. R.S. 40:967(A). At his arraignment on 3 January 2001, he pleaded not guilty. After a hearing on 26 January 2001, the trial court found probable cause and denied the motion to suppress the evidence. On 25 April 2001, the defendant withdrew his earlier plea and entered a plea of guilty as charged pursuant to State v. Crosby, 338 So. 2d 584 (La. 1976). He was sentenced on that same day to serve twelve years at hard labor, the first five years without benefit of probation or suspension of sentence. The defendant's motion for an appeal was granted.

Officer Michael Glasser testified that he was working with Lieutenant Tammy Brisset in an undercover capacity on 1 November 2000, just after midnight. The officer was driving on North Roman Street past its intersection with Governor Nicholls Street when he observed the defendant walking with another person. As the car passed him, the defendant said something and waved. Officer Glasser circled the block, and the defendant waved to him again. When the car slowed, the defendant walked to the

driver's window. The officer said he was looking for a "twenty," and the defendant said he could get it but he needed the money first. The officer gave him four serially-recorded five-dollar bills. The defendant ordered the officer to wait at the corner of Ursulines Street and North Claiborne Avenue. While he was waiting, Officer Glasser radioed his support team and informed them of his location and a description of the defendant. Shortly thereafter, the defendant walked up to the passenger window and gave Lieutenant Brisset a single rock. They drove away and immediately notified the backup team that the buy was complete. Once the defendant was detained, the officers drove around the block to ascertain that the backup team had stopped the right person. He noted that the defendant had been detained.

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 available transcripts and found no trial court ruling which arguably supports the appeal. A copy of the brief was forwarded to defendant, 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 State v. Benjamin, this Court has performed an independent, thorough review of the pleadings, minute entries, bill of information, and transcripts in the appeal record. Defendant was properly charged by bill of information with a violation of La. R.S. 40:967(A), and the bill was signed by an assistant district attorney. Defendant was present and represented by counsel at arraignment, motion hearings, and sentencing. The sentence imposed is legal in all respects.

Our independent review reveals no non-frivolous issue and no trial court ruling which arguably supports the appeal.

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

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