

STATE OF LOUISIANA

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NO. 2002-KA-0954

VERSUS

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COURT OF APPEAL

NIGEL ANDERSON

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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. 420-592, SECTION "L"
HONORABLE TERRY ALARCON, JUDGE

JUDGE MICHAEL E. KIRBY

(Court composed of Judge Michael E. Kirby, Judge Terri F. Love, Judge
David S. Gorbaty)

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The defendant, Nigel Anderson, was charged by bill of information with two counts of armed robbery in violation of La. R.S. 14:64, and with one count of first degree robbery in violation of La. R.S. 14:64.1. The defendant entered pleas of not guilty to all of the charges. A jury found the defendant guilty of the following responsive verdicts: guilty of first degree robbery as to the first charge of armed robbery; guilty of simple robbery as to the second charge of armed robbery; and guilty of simple robbery as to the third charge of first degree robbery. He was sentenced to serve five concurrent years on each count; the sentence for first degree robbery is to be served without benefit of parole, probation, or suspension of sentence. His motion for reconsideration of sentence was denied, and his motion for an appeal was granted.

Robert Taylor, the fifteen-year-old victim of the third charge of first degree robbery, testified that on January 23, 2001, he stopped for a snack while on the way to school. As he was going into the store, a man standing in front of the building asked him for a quarter. Robert replied that he had no money and went into the store. When he came out, the man pushed him into a wall with one hand and kept the other hand in his pocket. Robert said he was not sure whether his assailant had a gun or not. When the robber

demanded his money and his CD player, Robert handed over a five-dollar bill, a few one-dollar bills, and the headphones with the CD player. The man warned him not to call the police and walked away. Robert went to his grandmother's house, and she called the police. About a half hour later, while Robert was still at his grandmother's house, he received word from the assistant principal of his school that a suspect had been apprehended. He went to his school and identified Nigel Anderson, who was in the back of a police car, as the man who robbed him. He also identified his CD player, headphones, and the CD in the player.

At trial, Officer Keith Thibeaux testified that he was on patrol on January 23, 2001 when he received a call to investigate a robbery; the victim was at 2436 Columbus Street. There the officer met with Robert Taylor, who related that he was stopped by a man asking for money. The man reached in his pocket and took his cash. The man also took Taylor's CD player and headphones. The man, according to Taylor, was a 5'6" black male, wearing a brown jacket, blue jeans and a skullcap. Under cross-examination, the officer stated that he did not put anything about the robber's having a gun in his report, and that the crime listed on the police report was simple robbery.

Officer Louis Richardson testified that while on patrol, a woman

flagged him down and reported that a man who robbed her son and nephew was in a house in the neighborhood. The officer went to the home the woman pointed out at 1003 North Galvez, and when he knocked, the defendant came to the door wearing a set of headphones and a CD player. While the investigation was proceeding, the assistant principal from Bailor School, which is located just across the street from 1003 North Galvez, approached the officer to ask what was happening. The principal said that one of his students had been robbed of a CD player and headphones that morning. Robert Taylor was summoned and identified the CD player and the CD within the player as his property. Robert also identified Anderson as the man who “strong-armed him and took his goods from him.” Anderson had six dollars in his pocket when he was arrested.

In a single assignment of error, the defendant argues that the evidence is insufficient to support his conviction for the robbery of Robert Taylor.

The defendant was convicted of simple robbery of Robert Taylor. La. R.S.

14:65 defines simple robbery as follows:

Simple robbery is the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, but not armed with a dangerous weapon.

The evidence adduced at trial amply supports the defendant’s

conviction for the simple robbery of Robert Taylor. There is no merit in the defendant's argument.

Accordingly, the defendant's conviction and sentence are affirmed.

AFFIRMED