

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA** \* **NO. 2002-KA-2190**  
**VERSUS** \* **COURT OF APPEAL**  
**LARRY MOSLEY** \* **FOURTH CIRCUIT**  
\* **STATE OF LOUISIANA**  
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**APPEAL FROM**  
**CRIMINAL DISTRICT COURT ORLEANS PARISH**  
**NO. 412-397, SECTION "K"**  
**Honorable Arthur Hunter, Judge**  
\* \* \* \* \*  
**Judge Patricia Rivet Murray**  
\* \* \* \* \*

(Court composed of Judge Patricia Rivet Murray, Judge James F. McKay, III, Judge Edwin A. Lombard)

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**AFFIRMED**

Defendant, Larry Mosley, appeals his conviction of first degree robbery and his sentencing as a second offender. For the reasons that follow, we affirm.

On February 1, 2000, Larry Mosley was charged by bill of information with two counts of first degree robbery in violation of La. R.S. 14:64.1. After a hearing, the trial court found probable cause to bind the defendant over for trial. Mr. Mosley elected a bench trial after being advised of his right to a jury; on August 1, 2000, the court found him guilty as to count one and not guilty as to count two. The State filed a multiple bill charging Mr. Mosley as a triple offender. On February 27, 2002, the defendant was found to be a second offender, and he was sentenced to serve twenty-five years at hard labor without benefit of parole, probation, or suspension of sentence. On March 21, 2002, Mr. Mosley was granted an out-of-time appeal.

At trial Mr. Emad Husein, a taxi driver, testified that on November 26, 1999, he was robbed by a man he had picked up. Mr. Husein reported that his dispatcher had sent him to an address to pick up a customer. When he arrived, two men were standing by the door. Mr. Husein recognized one

of the men from having picked him up three days before. The two men got in the taxi and told Mr. Husein that they would give him directions to their destination. After he made a few turns, Mr. Husein did not feel safe in the area where he was driving, so he told the men he was going to take them back to the point where he had picked them up. When they arrived, the unfamiliar man got out of the car, and the other man put something to Mr. Husein's head that Husein thought was a weapon. The man demanded Husein's money, and took about twenty dollars from him. The robber also took Husein's cell phone.

After the two men left, Mr. Husein radioed his dispatcher to report the robbery. When the police arrived, Mr. Husein told them that three days prior to the incident, Husein had given the man who robbed him a ride, and therefore Husein believed he knew where the man lived. A police officer accompanied Mr. Husein to the place where he said he had first picked up the man, and they saw the defendant coming out of the door. Mr. Husein pointed him out to the officer, at which point the defendant fled.

Detective John Duzac testified that he accompanied Mr. Husein to the residence where Mr. Husein believed the robber lived, and they saw the defendant exiting the house, at which point Mr. Husein said, "That's the man." Detective Duzac was unable to apprehend the man, who fled. A few

hours later, the detective showed a photographic lineup to Mr. Husein, who selected Mr. Mosely's picture and named him as the man who had robbed him. The detective obtained an arrest warrant for Mr. Mosley and a search warrant for his residence.

Officer Octavia Baldassaro, Jr., conducted a wanted person check at 1921 Pace Boulevard, the address of Mr. Mosley. His mother answered the door and told the officer that he was not at home. However, the officer asked to search the premises and was given permission. The defendant was found in a bedroom hiding under a bed. Also, Mr. Mosley's cell phone was found in the house.

Mr. Mosely's appellate 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 mr. Mosley, 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 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. 14:65.1, and the bill was signed by an assistant district attorney. Defendant was present and represented by counsel at arraignment, motion hearings, trial, and sentencing. A review of the trial transcript reveals that the State proved the offense beyond a reasonable doubt. The sentence is legal in all respects. Our independent review reveals no non-frivolous issue and no trial court ruling that arguably supports the appeal.

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

**AFFIRMED**