

**STATE OF LOUISIANA**

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**NO. 2004-KA-0013**

**VERSUS**

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**COURT OF APPEAL**

**DEMETROUS NAVARRE**

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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. 435-854, SECTION "E"  
Honorable Calvin Johnson, Judge

\* \* \* \* \*

**Charles R. Jones**  
**Judge**

\* \* \* \* \*

(Court composed of Judge Charles R. Jones, Judge James F. McKay III, and  
Judge Leon A. Cannizzaro Jr.)

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**AFFIRMED;**

**MOTION TO WITHDRAW GRANTED**

Demetrous Navarre appeals his conviction and sentence to serve five years at hard labor for the unauthorized use of a vehicle. We affirm.

The State filed a bill of information on January 9, 2003, charging Navarre with unauthorized use of a vehicle in violation of La. R.S. 14:68.4. At his arraignment on January 14, 2003 he pled not guilty. After a hearing on May 14, 2003 the district court found probable cause to bind Navarre over for trial. Navarre elected a jury trial and was found guilty as charged by the six-member jury. The State filed a multiple bill charging Navarre as a second offender. On November 13, 2003, Navarre pled guilty to the multiple bill, and was sentenced to serve five years at hard labor. The district court recommended that Navarre be placed in the Impact Program. Navarre's Motion for an Appeal was granted, and his Motion for Reconsideration of Sentence was denied.

Sergeant Dan Anderson testified at trial that he and his partner, Officer Karla Baker, were patrolling in a marked police car on December 9, 2002, in the area of Martin Luther King Drive and South Galvez Street. Sergeant Anderson testified that he noticed a silver Oldsmobile go through a red light, and he turned on his police light and siren indicating to the driver

to stop. Rather than doing so, the driver sped up and turned on First Street; he then turned on to Tonti Street, ran through a stop sign on Martin Luther King Drive, and turned into the B.W. Cooper Housing Development. Meanwhile, the officer had checked the auto license plate and found that the plate had been switched. The officers followed the Oldsmobile into the project, and witnessed the driver direct the car over the curb, at a high rate of speed, causing all four tires to blow out. Nevertheless, the driver continued another one hundred yards over a grassy area. When the car stopped, Navarre, who was driving, exited and fled. A passenger exited the other side of the car. Another police car arrived on the scene in time for those officers to apprehend Navarre.

Officer Karla Baker testified at trial that she participated in the arrest of Navarre. She also testified that when the Oldsmobile finally stopped and the driver and passenger got out and ran, she went to the car and found a woman in the backseat of the car.

Officer Joseph Williamson answered the radio call to aid Officers Anderson and Baker. Officer Williamson, who was familiar with the neighborhood, saw the police car following the Oldsmobile and took a route that he assumed the driver would take when he was on foot. Shortly thereafter, Officer Williamson saw a man running around the building on

Erato Street. He called out, "Come here," and the man answered, "I didn't do nothing." Officer Williamson detained him, and Officer Anderson then arrived and identified him as the man seen exiting the driver's side of the Oldsmobile.

Officer Luther Randall of the New Orleans Crime Lab testified that he dusted the Oldsmobile for fingerprints, but he found none that could be used.

Clarissa Moore testified at trial that her silver 2000 Oldsmobile was stolen on November 7, 2002. She was at work that day, and she left her keys inside her desk. Her key chain had two parts; one held her house keys and the other, her car keys. She was away from her desk, and when she returned, she noticed that her house keys were on top of her desk, but her car keys were not on the key chain. She looked at the spot on the street where she parked and found that her car was missing. She reported the loss to the police. She stated that she did not know Navarre, and she did not give him permission to use her car. She had owned the car only seven months when it was stolen, and it was in very good condition. When she recovered the car, all four tires were damaged and the left rear vent window was broken. The inside of the car was also damaged by cigarette burns on the dash, console, seats, and carpet. The rear seat was loose, and clothing had been left in the car.

Dion Johnson testified that she was the passenger in the back seat of the silver Oldsmobile when it was stopped. She said she did not know Navarre, but she needed a ride to pick up one of her children from school. When Navarre offered her a ride, she accepted. At the time of trial Ms. Johnson was incarcerated for possession of heroin.

Officer Anderson testified in rebuttal that he questioned Ms. Johnson after Navarre was arrested. He said that she did not know his name, but she did identify him as the driver of the Oldsmobile.

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 Navarre, 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. Navarre was properly charged by bill of information with a violation of La. R.S. 14:68.4, and the bill was signed by an assistant district attorney. Navarre was present and represented by counsel at arraignment, motion hearings, jury selection, 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 which arguably supports the appeal.

**Decree**

For the reasons stated herein, Demetrous Navarre's conviction and sentence are affirmed. Appellate counsel's Motion to Withdraw is granted.

**AFFIRMED;  
MOTION TO WITHDRAW GRANTED**