

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA * **NO. 2007-KA-0979**
VERSUS * **COURT OF APPEAL**
LOUIS E. TILLMAN * **FOURTH CIRCUIT**
* **STATE OF LOUISIANA**

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APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 468-432, SECTION "E"
Honorable Calvin Johnson, Judge

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Judge Roland L. Belsome

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(Court composed of Judge Dennis R. Bagneris Sr., Judge Terri F. Love, Judge Roland L. Belsome)

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AFFIRMED

The State of Louisiana charged Louis Tillman with one count of battery of a police officer with injury in violation of La. R.S. 14:34.2B(3).¹ Tillman subsequently pled not guilty to this charge. Tillman waived his right to be tried by a jury and proceeded to trial before the court. The court found him guilty of battery of a police officer without injury. Tillman waived all delays, and the court sentenced him to serve ninety days in parish prison. Tillman now appeals his conviction and sentence.

Officers Jason Naquin and Edwin Cooper were on patrol in the Hollygrove section of New Orleans on the evening of October 29, 2006, when they saw Louis Tillman riding toward them on his bicycle. While one officer testified that they called Tillman over to their car because he was riding erratically, the other stated that they questioned him because he was carrying tools, and the area had had problems with burglaries. Tillman stood next to the police car while the officers questioned him. They entered his name into the police computer and found that a warrant had been issued for

¹ Tillman was charged in case #468-441 with a separate count of misdemeanor battery of a police officer. That case was tried with the instant case, and in the misdemeanor case the court found him guilty as charged. The court subsequently sentenced Tillman on that count to serve ninety days in parish prison, to run consecutively to the sentence in this case. That misdemeanor case is not before this court.

his arrest. When the warrant flashed up on the computer's screen and the officers started to exit their car, Tillman ran. The officers gave chase but lost him.

The next afternoon, the same officers were in the same area when they again saw Tillman riding toward them on his bicycle. The officers called Tillman over, but he fled. The officers gave chase, and Off. Naquin was able to tackle Tillman. He and Tillman struggled, and then Tillman broke free and again began running. Off. Naquin gave chase and soon caught Tillman, and again the two men struggled. During the struggle, Tillman hit Off. Naquin in the head, and Off. Naquin's nose began bleeding. Off. Naquin also hit his arm on the concrete when they fell. Off. Cooper joined the struggle, and Tillman kicked him in the leg. The officers called for backup, and they eventually subdued Tillman and placed him under arrest. Off. Naquin and Tillman were transported to the hospital, where it was discovered that Off. Naquin had sustained a chipped elbow and a broken nose.

By his sole assignment of error, Tillman requests a review of the record for error patent. Such review shows there are none. Counsel for Tillman 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. 4 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 she 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 that arguably supports the appeal.

A copy of the brief was forwarded to Tillman, and this Court informed him that he had the right to file a brief in his own behalf. He has not done so. Thus, this Court's review is limited to errors on the face of the record. La. C.Cr.P. art. 920.

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. Tillman was properly charged by bill of information with a violation of La. R.S. 14:34.2B(3), and the bill was signed by an assistant district attorney. Tillman was present and represented by counsel at arraignment, during the trial, and at sentencing. The court's verdict and Tillman's sentence are legal in all respects. Furthermore, a review of the trial transcript shows that the State provided sufficient evidence to prove beyond a reasonable doubt that Tillman was guilty of the responsive verdict of battery of a police officer, but without injury.

Our independent review reveals no non-frivolous issue and no trial court ruling that arguably supports the appeal. Therefore, we affirm Louis Tillman's conviction and sentence, and we grant appellate counsel's motion to withdraw.

AFFIRMED