

NOT DESIGNATED FOR PUBLICATION

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

07-13 consolidated with 07-14

STATE OF LOUISIANA

VERSUS

LARRY K. CROCKETT

**APPEAL FROM THE
TWELFTH JUDICIAL DISTRICT COURT
PARISH OF AVOYELLES, NOS. 132946, 134786
HONORABLE MARK A. JEANSONNE, DISTRICT JUDGE**

**ULYSSES GENE THIBODEAUX
CHIEF JUDGE**

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Marc T. Amy, and Michael G. Sullivan, Judges.

**CONVICTION, SENTENCE, AND HABITUAL
OFFENDER ADJUDICATION AFFIRMED.
MOTION TO WITHDRAW GRANTED. CASE
REMANDED FOR CORRECTION OF THE
MINUTES.**

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THIBODEAUX, Chief Judge.

The Defendant, Larry K. Crockett, was convicted by a six-person jury of cruelty to the infirm, a violation of La.R.S. 14:93.3, for beating his sixty-eight year old aunt with whom he lived. A habitual offender bill was filed against him, and he was adjudicated a second habitual offender. He was sentenced to thirteen years, six months at hard labor.

The Defendant appeals. We have consolidated the original trial proceedings and the habitual offender proceedings for appeal purposes. We affirm the conviction and sentence, grant appellate counsel's motion to withdraw, and remand for correction of the minutes.

Appellate counsel has filed a brief stating that he could find no errors on appeal that would support reversal of the conviction, sentence, or habitual offender adjudication. In *State v. Benjamin*, 573 So.2d 528 (La.App. 4 Cir. 1990), the fourth circuit set forth the appropriate analysis for such a brief, pursuant to *Anders*:

When appointed counsel has filed a brief indicating that no non-frivolous issues and no ruling arguably supporting an appeal were found after a conscientious review of the record, *Anders* requires that counsel move to withdraw. This motion will not be acted on until this court performs a thorough independent review of the record after providing the appellant an opportunity to file a brief in his or her own behalf. This court's review of the record will consist of (1) a review of the bill of information or indictment to insure the defendant was properly charged; (2) a review of all minute entries to insure the defendant was present at all crucial stages of the proceedings, the jury composition and verdict were correct and the sentence is legal; (3) a review of all pleadings in the record; (4) a review of the jury sheets; and (5) a review of all transcripts to determine if any ruling provides an arguable basis for appeal.

Id. at 531.

This court has reviewed the record, including the transcripts, pleadings, and minute entries. Defendant and his counsel were present at all critical legal

proceedings. The record demonstrates there was sufficient evidence on which the jury could base its verdict; the record also supports Defendant's adjudication as a habitual offender. The sentence imposed is within the proper range.

Thus, this court has found no issues that would support an appeal. Therefore, counsel will be allowed to withdraw.

DECREE

The conviction, sentence, and habitual offender adjudication are affirmed; counsel's motion to withdraw is granted. Additionally, the case is remanded for amendment of the minutes to delete the language indicating the trial court designated this as a crime of violence, pursuant to La.Code Crim.P. art. 890.1. The transcript reveals no such statement by the trial court.

**CONVICTION, SENTENCE, AND HABITUAL OFFENDER
ADJUDICATION AFFIRMED. MOTION TO WITHDRAW GRANTED.
CASE REMANDED FOR CORRECTION OF THE MINUTES.**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION. Rule
2-16.3, Uniform Rules—Courts of Appeal.

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

07-13 consolidated with 07-14

STATE OF LOUISIANA

Plaintiff-Appellee

VERSUS

LARRY K. CROCKETT

Defendant-Appellant

On appeal from the Twelfth Judicial District Court, Parish of Avoyelles, State of Louisiana, Honorable Mark A. Jeansonne, District Judge.

ORDER

After consideration of the appellate counsel's request to withdraw as counsel in the appeals pending in the above-captioned matters;

IT IS HEREBY ORDERED that appellate counsel's request to withdraw is granted.

THUS DONE AND SIGNED this ____ day of _____ 2007.

COURT OF APPEAL, THIRD CIRCUIT

Chief Judge Ulysses Gene Thibodeaux

Judge Marc T. Amy

Judge Michael G. Sullivan