

**NOT DESIGNATED FOR PUBLICATION**

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

**11-432**

**STATE OF LOUISIANA**

**VERSUS**

**MICHAEL BELL**

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**APPEAL FROM THE  
FOURTEENTH JUDICIAL DISTRICT COURT  
PARISH OF CALCASIEU, NO. 11059-09  
HONORABLE DAVID KENT SAVOIE, DISTRICT JUDGE**

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**ULYSSES GENE THIBODEAUX  
CHIEF JUDGE**

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Court composed of Ulysses Gene Thibodeaux, Chief Judge, Billy Howard Ezell,  
and J. David Painter, Judges.

**CONVICTION AND SENTENCE AFFIRMED;  
MOTION TO WITHDRAW GRANTED.**

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COUNSEL FOR:  
Defendant/Appellant - Michael Bell**

**Michael Bell**  
**Winn Correctional Center**  
**P. O. Box 1260**  
**Winnfield, LA 71483-1260**

**THIBODEAUX, Chief Judge.**

The State charged Defendant, Michael Bell, with two counts of carnal knowledge of a juvenile, a violation of La.R.S. 14:80.

On May 10, 2010, the State, pursuant to the plea agreement, amended the bill to one count of carnal knowledge of a juvenile, and Defendant entered a plea of guilty to the charge. The trial court sentenced him to five years at hard labor.

Appellate counsel filed an *Anders* brief in this matter. There are no non-frivolous issues in this matter. Accordingly, Defendant's conviction and sentence are affirmed, and counsel's motion to withdraw is granted.

**FACTS**

At the guilty plea proceeding, the State set forth the factual basis for the plea. On January 14, 2009, Defendant, age thirty-five, had sex with a fifteen-year-old female.

**ANDERS ANALYSIS**

Pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967), Defendant's appellate counsel has filed a brief stating he could find no errors on appeal that would support reversal of Defendant's sentence. Thus, counsel seeks to withdraw.

In *State v. Benjamin*, 573 So.2d 528 (La.App. 4 Cir. 1990), the fourth circuit explained the *Anders* analysis:

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. Under C.C.R. P. art. 914.1(D) this Court will order that the appeal record be supplemented with pleadings, minute entries and transcripts when the record filed in this Court is not sufficient to perform this review.

*Id.* at 531.

Pursuant to *Anders* and *Benjamin*, we have performed a thorough review of the record, including pleadings, minute entries, the charging instrument, and the transcripts. Defendant was properly charged by bill of information and was present at all crucial stages of the proceedings. Defendant entered a free and voluntary guilty plea after properly being advised of his rights in accordance with *Boykin v. Alabama*, 395 U.S. 238, 89 S.Ct. 1709 (1969). Additionally, the Defendant received a legal sentence.

We found no issues which would support an assignment of error on appeal. Therefore, appellate counsel's motion to withdraw is granted.

**CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION.  
RULE 2-16.3, UNIFORM RULES—COURTS OF APPEAL.

COURT OF APPEAL, THIRD CIRCUIT

STATE OF LOUISIANA

STATE OF LOUISIANA

Plaintiff-Appellee

VERSUS

MICHAEL BELL

Defendant-Appellant

On Appeal from the Fourteenth Judicial District Court, Docket Number 11059-09,  
Parish of Calcasieu, State of Louisiana, Honorable David Kent Savoie, Judge.

**ORDER**

After consideration of appellate counsel's request to withdraw as counsel and  
the appeal presently pending in the above-captioned matter;

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

THUS DONE AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

COURT OF APPEAL, THIRD CIRCUIT

\_\_\_\_\_  
Judge Ulysses Gene Thibodeaux, Chief Judge

\_\_\_\_\_  
Judge Billy H. Ezell

\_\_\_\_\_  
Judge J. David Painter