

NOT DESIGNATED FOR PUBLICATION

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

11-689

STATE OF LOUISIANA

VERSUS

ERIK C. WILLIAMS

**APPEAL FROM THE
THIRTIETH JUDICIAL DISTRICT COURT
PARISH OF VERNON, NO. 79542
HONORABLE VERNON BRUCE CLARK, DISTRICT JUDGE**

**OSWALD A. DECUIR
JUDGE**

Court composed of Oswald A. Decuir, James T. Genovese, and Phyllis M. Keaty,
Judges.

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

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DECUIIR, Judge.

In July 2010, the State charged the Defendant, Erik C. Williams, by bill of information with possession with intent to distribute cocaine, in violation of La.R.S. 40:967. At the plea hearing, the State set forth the factual basis for the charge, stating that on November 20, 2009, the Defendant sold crack cocaine to an undercover police officer for twenty dollars. The Defendant then entered a guilty plea to the charge. As part of the agreement, the State and the Defendant recommended a sentence of not more than twenty-five years imprisonment. On March 23, 2011, the Defendant was sentenced to twenty-three years at hard labor, the first two years without benefit of probation, parole, or suspension of sentence, and to pay a fine in the amount of three thousand dollars.

Appellate counsel filed an *Anders* brief in this matter, and the Defendant was given the opportunity to file a *pro se* brief. The Defendant has not filed a brief on his own behalf. Upon review, we find no non-frivolous issues in this matter. Accordingly, for the following reasons, the Defendant's conviction and sentence are affirmed, and counsel's motion to withdraw is granted.

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 the Defendant's conviction or sentence. Thus, counsel seeks to withdraw.

In *State v. Benjamin*, 573 So.2d 528, 531 (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.Cr.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*, this court has performed a thorough review of the record, including pleadings, minute entries, the charging instrument, and the transcripts. The Defendant was properly charged by bill of information and was present and represented by counsel at all crucial stages of the proceedings. The 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). Our review of the record also shows the Defendant received a legal sentence.

We have found no issues which would support an assignment of error on appeal. Additionally, in accordance with La.Code Crim.P. art. 920, all appeals are reviewed for errors patent on the face of the record. After reviewing the record, we find there are no errors patent.

Therefore, appellate counsel's motion to withdraw is granted, and the conviction and sentence are affirmed.

CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.

This opinion is NOT DESIGNATED FOR PUBLICATION. Uniform Rules—Courts of Appeal, Rule 2–16.3.

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

11-689

STATE OF LOUISIANA

Appellee

VERSUS

ERIK C. WILLIAMS

Defendant-Appellant

On Appeal from the Thirtieth Judicial District Court, Docket Number 79542,
Parish of Vernon, State of Louisiana, Honorable Vernon Bruce Clark, Judge.

ORDER

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

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

THUS DONE AND SIGNED this ____ day of _____, 2011.

COURT OF APPEAL, THIRD CIRCUIT

Judge Oswald A. Decuir

Judge James T. Genovese

Judge Phyllis M. Keaty