

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2007 KA 1517

STATE OF LOUISIANA

VERSUS

DAVID WADE COOPER

**Judgment rendered February 8, 2008.**

\* \* \* \* \*

Appealed from the  
19<sup>th</sup> Judicial District Court  
in and for the Parish of East Baton Rouge, Louisiana  
Trial Court No. 01-05-0822  
Honorable Wilson Fields, Judge

\* \* \* \* \*

HON. DOUG MOREAU  
DISTRICT ATTORNEY  
DANA CUMMINGS  
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ATTORNEYS FOR  
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ATTORNEY FOR  
DEFENDANT-APPELLANT  
DAVID COOPER

\* \* \* \* \*

**BEFORE: CARTER, C.J., PETTIGREW, AND WELCH, JJ.**



## **PETTIGREW, J.**

The defendant, David Wade Cooper, was charged by bill of information, No. 1-05-0822, with one count of unauthorized use of a motor vehicle, a violation of La. R.S. 14:68.4, and pled guilty pursuant to a plea agreement. He was sentenced to ten years at hard labor. The court ordered that the sentence would run concurrently with the sentences imposed under docket numbers 07-06-0340 and 07-06-0342.<sup>1</sup> He moved for reconsideration of sentence, but the motion was denied. He now appeals, assigning the following specification of error: "The district court abused its discretion by denying the Motion to Reconsider Sentence. Instead, it imposed the statutory maximum sentence against [the defendant] without articulating on the record any specific facts or justification for imposing such a sentence for a non-violent offense." For the reasons that follow, we affirm the defendant's conviction and sentence.

### **FACTS**

Due to the defendant's guilty plea, there was no trial, and thus, no trial testimony concerning the facts of the offense. However, at the **Boykin** hearing, the State set forth the following factual basis for the charge, and the defendant indicated he wished to enter his guilty plea on the basis of those facts.

On January 23, 2004, Joann Estes allowed the defendant to work on her car. Ms. Estes had instructed the defendant that the vehicle was to be repaired in her driveway and not removed from the area. Several moments thereafter, however, the defendant took the vehicle from the driveway without Ms. Estes' permission. Ms. Estes subsequently found her vehicle.

### **EXCESSIVE SENTENCE**

In his sole assignment of error, the defendant argues the trial court erred in imposing an unconstitutionally excessive sentence in this case. He argues the offense

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<sup>1</sup> The defendant separately appeals from his guilty plea under docket number 07-06-0340. See **State v. Cooper**, 2007-1534 (La. App. 1 Cir. 2/8/08) (unpublished).

was nonviolent, he accepted responsibility for his actions, and the sentence imposed was the statutory maximum.

A review of the transcript of the defendant's guilty plea indicates the defendant seeks review of a sentence imposed in conformity with a plea agreement set forth in the record at the time of the plea. It is well settled that a defendant cannot appeal or seek review of a sentence imposed in conformity with a plea agreement that was set forth in the record at the time of the plea. La. Code Crim. P. art. 881.2(A)(2); see **State v. Young**, 96-0195, p. 7 (La. 10/15/96), 680 So.2d 1171, 1175. Thus, review of the defendant's assignment of error is barred by law. Accordingly, we affirm the defendant's conviction and sentence.

**CONVICTION AND SENTENCE AFFIRMED.**