

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

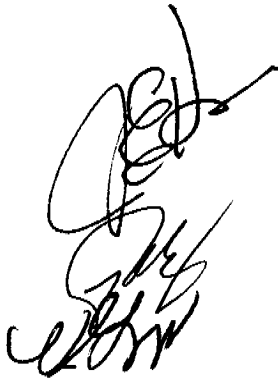
2011 KA 1460

STATE OF LOUISIANA

VERSUS

JASON M. CHAFFIN

*DATE OF JUDGMENT:*     **MAR 23 2012**



ON APPEAL FROM THE TWENTY-SECOND JUDICIAL DISTRICT COURT  
NUMBER 497586, DIV. H, PARISH OF ST. TAMMANY  
STATE OF LOUISIANA

HONORABLE ALLISON H. PENZATO, JUDGE

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Counsel for Appellee  
State of Louisiana

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Baton Rouge, Louisiana

Counsel for Defendant-Appellant  
Jason M. Chaffin

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BEFORE: WHIPPLE, KUHN, AND GUIDRY, JJ.

**Disposition: CONVICTIONS, HABITUAL OFFENDER ADJUDICATION, AND SENTENCES  
AFFIRMED; MOTION TO WITHDRAW GRANTED.**

KUHN, J.

Defendant, Jason M. Chaffin, was charged by bill of information with four counts of simple burglary, violations of La. R.S. 14:62. He pled not guilty and, following a jury trial, was found guilty as charged on counts 1, 3, and 4. He was found not guilty on count 2. The State subsequently filed a multiple offender bill of information and, following a hearing on the matter, defendant was adjudicated a second-felony habitual offender. For the count 1 conviction, the trial court imposed an enhanced sentence of twenty years imprisonment at hard labor without benefit of probation or suspension of sentence. For each of the other two counts, defendant was sentenced to ten years imprisonment at hard labor. The trial court ordered both ten-year sentences to run concurrently with each other and concurrently with the twenty-year sentence on count 1. Defendant now appeals. We affirm the convictions, habitual offender adjudication, and sentences.

### **FACTS**

In the early morning hours of October 10, 2010, defendant took items from the vehicles of several people who lived in Mandeville. At the trial of the matter, Robert Poole, IV testified that he discovered his GPS, phone charger, and some money missing from his car. Paula Gerdes testified that someone took her cell phone and her husband's hunting knife from her car. Sean Breen, who lived on Ramona Street, testified that he was smoking a cigarette on his porch about 1:30 a.m. when he saw defendant inside of his car. Breen removed defendant from his car, had his girlfriend call the police, and made defendant sit on his porch until the police arrived. Defendant had taken Breen's wallet and a prescription bottle from his car. Brittany Quick, Breen's girlfriend, testified that her finance calculator and

prescription medication were taken from her Chevy Tahoe.<sup>1</sup> Gerdes went to Breen's residence to retrieve her belongings.

Officer Mike McConahay, with the Mandeville Police Department, testified that he transported defendant to the Mandeville police station, *Mirandized* him, and questioned him. Defendant told the officer that he burglarized vehicles on Ramona Street, as well as several others but was not aware of the addresses.

### **ISSUES PRESENTED**

Defense counsel has filed a motion to withdraw from the case. In accordance with the procedures outlined in *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *State v. Jyles*, 96-2669 (La. 12/12/97), 704 So.2d 241 (per curiam); and *State v. Benjamin*, 573 So.2d 528 (La. App. 4th Cir. 1990),<sup>2</sup> defense counsel has filed a supporting brief to the motion to withdraw arguing that, after a conscientious and thorough review of the record, she has found no non-frivolous issues for appeal and no ruling of the trial court that arguably supports an appeal.

Defense counsel has notified defendant of the filing of this motion and informed him of his right to file a *pro se* supplemental brief on his own behalf. Defendant has not filed a *pro se* brief with this court.

This court has performed an independent, thorough review of the pleadings, minute entries, bill of information, and transcripts in the appeal record. Defendant was properly charged by bill of information with violations of La. R.S. 14:62, and

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<sup>1</sup> The not guilty verdict for count 2 was in reference to alleged victim Brittany Quick.

<sup>2</sup> In *State v. Mouton*, 95-0981 (La. 4/28/95), 653 So.2d 1176, 1177 (per curiam), the Louisiana Supreme Court sanctioned the procedures outlined in *Benjamin*, for use by the appellate courts of Louisiana. *See Jyles*, 704 So.2d 241.

the bill was signed by the District Attorney. Defendant was present and represented by counsel at arraignment and sentencing. The sentences imposed are legal in all respects. See Benjamin, 573 So.2d at 531.

Defense counsel asks this court to examine the record for error under La. C.Cr.P. art. 920(2). This court routinely reviews the record for such errors, whether or not such a request is made by a defendant or defense counsel. Under La. C.Cr.P. art. 920(2), we are limited in our review to errors discoverable by a mere inspection of the pleadings and proceedings without inspection of the evidence. After a careful review of the record in these proceedings, we have found no reversible errors. See State v. Price, 2005-2514 (La. App. 1st Cir. 12/28/06), 952 So.2d 112, 123-25 (en banc), writ denied, 2007-0130 (La. 2/22/08), 976 So.2d 1277.

Our independent review reveals no non-frivolous issues which arguably support this appeal. Accordingly, defendant's convictions, habitual offender adjudication, and sentences are affirmed. Defense counsel's motion to withdraw is hereby granted.

**CONVICTIONS, HABITUAL OFFENDER ADJUDICATION, AND SENTENCES AFFIRMED; MOTION TO WITHDRAW GRANTED.**