

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2011 KA 0690

STATE OF LOUISIANA

VERSUS

REGINALD SELDERS

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Judgment Rendered: December 21, 2011

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APPEALED FROM THE NINETEENTH JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
DOCKET NUMBER 08-08-0003

THE HONORABLE BONNIE P. JACKSON, JUDGE

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BEFORE: GAIDRY, McDONALD, AND HUGHES, JJ.

McDONALD, J.

Defendant, Reginald Selders, was charged by grand jury indictment with second degree murder, a violation of La. R.S. 14:30.1. He pleaded not guilty. After his jury trial commenced and the State began its presentation of evidence, a plea bargain was reached and, defendant pleaded guilty to a reduced charge of manslaughter, a violation of La. R.S. 14:31. In accordance with the agreement, he was sentenced to thirty years imprisonment at hard labor. Defendant now appeals. For the following reasons, we affirm defendant's conviction and sentence. Additionally, we grant defense counsel's motion to withdraw.

FACTS¹

In the early morning hours of February 3, 2008, the victim, William Griffin, was ejected by security guards from the Top Ten Social Club in Baton Rouge, Louisiana, for fighting with Carlus Selders. When the fight continued outside, the guards again broke it up. At that point, the victim got into his vehicle to leave, but before he could close the door, defendant walked up, pointed a gun at him, and began firing. The victim sustained multiple wounds, including a gunshot wound to the head, which resulted in his death.

ISSUES PRESENTED

The defense brief contains no assignments of error and sets forth that it is filed to conform with **State v. Jyles**, 96-2669 (La. 12/12/97), 704 So.2d 241 (per curiam), wherein the Supreme Court sanctioned the procedures outlined in **State v. Benjamin**, 573 So.2d 528 (La. App. 4 Cir. 1990). **Benjamin** set forth a procedure to comply with **Anders v. California**, 386 U.S. 738, 744, 87 S.Ct.1396,

¹ Since defendant pleaded guilty prior to the completion of the State's evidence, the facts were not fully developed in this case. The facts included here are derived from the affidavit of probable cause for defendant's arrest, because the partial trial transcript was not included in the record.

1400, 18 L.Ed.2d 493 (1967), wherein the United States Supreme Court discussed how appellate counsel should proceed when, upon conscientious review of a case, counsel found no issues that are not frivolous. **Benjamin** has repeatedly been cited with approval by the Louisiana Supreme Court. See Jyles, 704 So.2d at 241; **State v. Mouton**, 95-0981 (La. 4/28/95), 653 So.2d 1176, 1177 (per curiam); **State v. Royals**, 600 So.2d 653 (La. 1992).

In the instant case, defense counsel reviewed the procedural history of the case and the factual basis for the offense alleged by the State. Defense counsel noted in brief that, under La. C.Cr.P. art. 881.2A(2), a defendant cannot appeal a sentence imposed in conformity with a plea agreement set forth in the record at the time of the plea. Defense counsel further pointed out that the trial court imposed sentence in conformity with a specific sentencing agreement in the instant case. Accordingly, defense counsel requested that he be relieved from further briefing and has filed a motion to withdraw.

In the motion to withdraw, defense counsel stated that, after a “diligent and conscientious effort,” he had found no non-frivolous issues to present on appeal. Further, defense counsel informed defendant that he had the right to file a brief on his own behalf. Defense counsel sent copies of his brief and motion to withdraw to defendant. Defendant has not filed a pro se brief with this Court.

It is well-settled that a guilty plea normally waives all non-jurisdictional defects in the proceedings prior to the plea, and generally is reviewed by courts only to ensure that the plea was counseled and voluntary. See State v. Arnold, 01-1399 (La. 4/12/02), 816 So.2d 289, 290 (per curiam); **State v. Crosby**, 338 So.2d 584, 586 (La. 1976). In the instant case, the record reveals that defendant was represented by counsel when he entered his guilty plea. Defense counsel

stated on the record that he and defendant had many discussions regarding the case, including the trial proceedings up to that point. Defense counsel advised defendant that, in his opinion, it would be in defendant's best interest to accept the plea bargain to the reduced charge. Further, defendant acknowledged that he had thoroughly discussed the case with his counsel and was satisfied with his advice and representation.

Additionally, after advising defendant of his right to continue with his jury trial if he so chose, his right to confrontation, and his right against self-incrimination, the trial court inquired into the voluntariness of defendant's guilty plea. Defendant stated that he was twenty-eight years old and had completed his general equivalency diploma (GED) and one year of college. He indicated he was clearheaded and understood what he was doing. Defendant further acknowledged that he was not coerced, forced, or intimidated into pleading guilty, and was entering the plea of his own free will. In accepting the guilty plea, the trial court concluded that defendant understood his rights and waived them knowingly and intelligently.

Furthermore, this Court has conducted an independent review of the entire record in this case, and we have found no reversible errors under La. C.Cr.P. art. 920(2). We conclude there are no non-frivolous issues or trial court rulings that arguably support this appeal. In fact, defendant received a favorable plea bargain that reduced his potential sentencing exposure from life imprisonment, without benefit of parole, probation or suspension of sentence, to a term of thirty years.

Accordingly, defendant's conviction and sentence are affirmed. Defense counsel's motion to withdraw, which has been held in abeyance pending the disposition of this matter, is hereby granted.

CONVICTION AND SENTENCE AFFIRMED; MOTION TO WITHDRAW GRANTED.