

NOT DESIGNATED FOR PUBLICATION

COURT OF APPEAL

STATE OF LOUISIANA

FIRST CIRCUIT

2008 KA 1294

STATE OF LOUISIANA

VERSUS

RONALD KEITH SANFORD

Judgment rendered: DEC 23 2008

**On Appeal from the 19th Judicial District Court
Parish of East Baton Rouge, State of Louisiana
Case Number: 06-06-0753; Section 1
The Honorable Anthony J. Marabella, Judge Presiding**

**Doug Moreau
District Attorney
Janet L. Silvie
Ass't. District Attorney
Baton Rouge, LA**

**Counsel for Appellee
State of Louisiana**

**Mary E. Roper
Baton Rouge, LA**

**Counsel for Appellant
Ronald Keith Sanford**

BEFORE: CARTER, C.J., WHIPPLE AND DOWNING, JJ.



DOWNING, J.

The defendant, Ronald Keith Sanford, was charged by bill of information with one count of simple burglary of an inhabited dwelling, a violation of La. R.S. 14:62.2. In exchange for the State's agreement not to pursue habitual offender proceedings against him and to reduce and dismiss other charges pending against him, he pled guilty as charged. He was sentenced to twelve years at hard labor, to run consecutively with any other sentence he was serving, with the first year to be served without benefit of parole, probation, or suspension of sentence. He moved for reconsideration of sentence, but the motion was denied. He now appeals. For the following reasons we affirm the 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. At the **Boykin** hearing, however, the State set forth a factual basis for the charge, and the defendant agreed that the factual basis was accurate. The State indicated that if the matter were to proceed to trial, it would prove: that on November 9, 2005, the victim reported a burglary of his home on Kleinert Avenue; that during the investigation of the offense, fingerprints were recovered from a jewelry box located inside the home; and that the fingerprints were subsequently matched to the defendant's fingerprints.

ISSUES PRESENTED

The defense brief contains one "assignment of error," seeking review of the record for error under La. Code Crim. P. art. 920(2), and claims the procedures set forth in **State v. Jyles**, 96-2669 (La. 12/12/97), 704 So.2d 241 (per curiam), and **State v. Mouton**, 95-0981 (La. 4/28/95), 653 So.2d 1176 (per curiam), and **State v. Benjamin**, 573 So.2d 528 (La. App. 4th Cir. 1990), apply to this case.

Benjamin set forth a procedure to comply with **Anders v. California**, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), wherein the U.S. Supreme Court

discussed how appellate counsel should proceed when, upon conscientious review of a case, counsel found the case wholly frivolous. **Benjamin** has repeatedly been cited with approval by the Louisiana Supreme Court. See Jyles, 96-2669 at p. 1, 704 So.2d at 241; **Mouton**, 95-0981 at p. 1, 653 So.2d at 1177; **State v. Royals**, 600 So.2d 653 (La. 1992); **State v. Robinson**, 590 So.2d 1185 (La. 1992) (per curiam).

Here, defense counsel reviews the procedural history of the case, the evidence against the defendant, and discusses in detail why issues concerning the sufficiency of the factual basis, the validity of the defendant's guilty plea, the effectiveness of the assistance of counsel, and the constitutionality of the sentence are not worth pursuing on appeal. Defense counsel sets forth that after a conscientious and thorough examination and review of the entire appellate record, including the procedural history and facts, she has found no non-frivolous issues to present on appeal, and no ruling of the trial court which arguably supports an appeal, either under existing jurisprudence or under a change which should be effected in the law. Accordingly, defense counsel moves to withdraw.

A copy of defense counsel's brief and motion to withdraw were sent to the defendant. Defense counsel also informed the defendant that he had the right to file a brief in his own behalf. He has not filed a pro se brief with this court.

This court has conducted an independent review of the entire record in this matter. We have found no reversible patent errors. Furthermore, we conclude there are no non-frivolous issues or trial court rulings which arguably support this appeal. Accordingly, the 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, hereby is granted.

DECREE

For the reasons stated above, we affirm the conviction and sentence and grant the defense counsel's motion to withdraw.

**CONVICTION AND SENTENCE AFFIRMED; DEFENSE
COUNSEL'S MOTION TO WITHDRAW GRANTED**