

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 KA 1331

STATE OF LOUISIANA

VERSUS

BRYANT JOSEPH MURRAY, JR.

Judgment Rendered: February 10, 2012.

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On Appeal from the  
22nd Judicial District Court,  
In and for the Parish of St. Tammany,  
State of Louisiana  
Trial Court Nos. 489,952-3, 489,953-2

The Honorable Allison H. Penzato, Judge Presiding

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\* \* \* \* \*

BEFORE: CARTER, C.J., PARRO AND HIGGINBOTHAM, JJ.

AK  
RKB  
TMH

**CARTER, C.J.**

Defendant, Bryant Joseph Murray, Jr., was charged by separate bills of information with armed robbery, a violation of Louisiana Revised Statutes section 14:64, and production and manufacture of a controlled dangerous substance (marijuana), a violation of Louisiana Revised Statutes section 40:966A(1). Defendant initially entered a plea of not guilty, but he later withdrew this plea and entered a plea of guilty as charged to both offenses pursuant to a plea agreement with the state. For his armed robbery conviction, defendant was sentenced to thirty-five years at hard labor, without benefit of probation, parole, or suspension of sentence. For his production and manufacture of a controlled dangerous substance conviction, defendant was sentenced to ten years at hard labor. The court ordered that the sentences be served concurrently. Defendant filed a *pro se* and a counseled motion for reconsideration of his sentences, but both of these motions were denied.

For the following reasons, we affirm defendant's convictions and sentences. Additionally, we grant defense counsel's motion to withdraw.

**FACTS AND PROCEDURAL HISTORY**

Through counsel, defendant stipulated that a factual basis existed for the guilty pleas. The bill of information charging defendant with armed robbery alleges that on April 25, 2010, defendant and four other individuals committed the offense of armed robbery while armed with a sawed-off shotgun. The bill of information charging defendant with production and manufacture of a controlled dangerous substance alleges that on April 25, 2010, defendant and four other individuals engaged in the production and manufacturing of marijuana.

## DISCUSSION

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, 241-42 (per curiam), wherein the Louisiana Supreme Court approved the procedures outlined in *State v. Benjamin*, 573 So. 2d 528, 529 (La. App. 4th Cir. 1990). *Benjamin* set forth a procedure to comply with *Anders v. California*, 386 U.S. 738, 744 (1967), in which the United States Supreme Court discussed how appellate counsel should proceed when, upon conscientious review of a case, counsel finds an appeal would be wholly frivolous.

In the instant case, defense counsel set forth the procedural history of the case in his brief. Defense counsel states that, after a review of the record, he has found no non-frivolous issues to present on appeal. Defense counsel notes that under Louisiana Code of Criminal Procedure article 881.2A(2), a defendant cannot appeal a sentence imposed in conformity with a plea agreement set forth on the record at the time of the plea. Defense counsel further requests that he be relieved from additional briefing. Defense counsel also has filed a motion to withdraw, therein asserting that defendant was informed of his right to file his own brief in this matter. Defendant has filed no *pro se* brief with this Court.

## CONCLUSION

This Court has conducted an independent review of the entire record in this case, and we have found no reversible errors under Louisiana Code of Criminal Procedure article 920(2). Furthermore, we conclude that there are no non-frivolous issues that would arguably support this appeal. Accordingly, defendant's convictions and sentences are affirmed. Defense

counsel's motion to withdraw, which has been held in abeyance pending the disposition of this matter, is granted.

**MOTION GRANTED; CONVICTIONS AND SENTENCES  
AFFIRMED.**