

Judgment rendered April 4, 2007
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C.Cr.P.

No. 41,760-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

RAYNA WYNNE

Appellant

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Appealed from the
Twenty-Sixth Judicial District Court for the
Parish of Webster, Louisiana
Trial Court No. 69,776

Honorable John M. Robinson, Judge

* * * * *

PEGGY J. SULLIVAN
Louisiana Appellate Project

Counsel for
Appellant

RAYNA WYNNE

Pro se

J. SCHUYLER MARVIN
District Attorney

Counsel for
Appellee

JOHN M. LAWRENCE
CHARLES A. SMITH
Assistant District Attorneys

* * * * *

Before CARAWAY, LOLLEY and SEXTON (Pro Tempore), JJ.

NOT DESIGNATED FOR PUBLICATION.
Rule 2-16.3, Uniform Rules, Courts of Appeal.

CARAWAY, J.

Rayna Wynne was charged by bill of indictment with armed robbery and conspiracy to commit armed robbery. These charges were consolidated with second degree murder and conspiracy to commit second degree murder charges.¹ Pursuant to a plea agreement, Wynne pled guilty to one count of aggravated burglary in exchange for dismissal of all other pending charges and an agreed-to twenty year sentencing cap. Wynne received a sentence of twenty years at hard labor. After the denial of a timely motion for reconsideration of sentence, this appeal ensued. We grant appellate counsel's motion to withdraw as attorney of record and affirm Wynne's conviction and sentence.

Wynne's appellate counsel has filed a *Benjamin* brief and motion with this court stating that she has conscientiously and thoroughly reviewed the trial court record and found no non-frivolous issues to raise on appeal, nor any trial court ruling which arguably would support an appeal. *See Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967); *State v. Mouton*, 95-0981 (La. 4/28/95), 653 So. 2d 1176; and *State v. Benjamin*, 573 So. 2d 528 (La. App. 4th Cir. 1990). In addition to summarizing the procedural history and the facts of the case, the court-appointed attorney's brief provided a detailed, reviewable assessment of whether the appeal was worth pursuing. *State v. Jyles*, 96-2669 (La. 12/12/97), 704 So. 2d 241.

¹The second degree murder charges had been amended from original charges of first degree murder and conspiracy to commit first degree murder.

In accordance with *Anders*, *Mouton*, and *Benjamin*, appellate defense counsel also notified Wynne of her right to file a pro se brief and sought to withdraw from the case. This court held the motion to withdraw in abeyance and advised defendant of her right to file an appellate brief within 30 days of our June 8, 2006 order deferring a ruling on counsel's motion to withdraw. Wynne has not responded to the notice.

Our independent review has disclosed no non-frivolous issues and no rulings which arguably support an appeal. We have conducted an error patent review including an examination of all pleadings filed in the district court, the court proceedings, the bill of information and all transcripts contained in the record. Wynne was properly charged by indictment and was present in court and represented by counsel at all important stages of the proceedings. The guilty plea transcripts reflects that Wynne was advised of her rights in accordance with *Boykin v. Alabama*, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969). Finally, because the sentence imposed in this case was within the agreed sentencing cap, Wynne is precluded from raising this issue on appeal. La. C. Cr. P. art. 881.2(A)(2); *State v. Young*, 96-0195 (La. 10/15/96), 680 So. 2d 1171; *State v. Rice*, 26,478 (La. App. 2d Cir. 12/7/94), 648 So. 2d 426, *writ denied*, 95-0431 (La. 6/16/95), 655 So. 2d 340.

For these reasons, we affirm Wynn's conviction and sentence. Appellate counsel's motion to withdraw is granted.

**MOTION GRANTED; CONVICTION AND SENTENCE
AFFIRMED.**