

Judgment rendered December 14, 2011  
Application for rehearing may be filed  
within the delay allowed by Art. 922,  
La. C.Cr.P.

No. 46,747-KA

COURT OF APPEAL  
SECOND CIRCUIT  
STATE OF LOUISIANA

\* \* \* \* \*

STATE OF LOUISIANA

Appellee

versus

STEPHEN GREGORY CARIERE

Appellant

\* \* \* \* \*

Appealed from the  
Twenty-Sixth Judicial District Court for the  
Parish of Bossier, Louisiana  
Trial Court No. 175,658

Honorable Ford E. Stinson, Judge

\* \* \* \* \*

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Louisiana Appellate Project

Counsel for  
Appellant

STEPHEN GREGORY CARIERE

Pro se

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Appellee

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Assistant District Attorneys

\* \* \* \* \*

Before CARAWAY, MOORE and LOLLEY, JJ.

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

CARAWAY, J.

Stephen Gregory Cariere pled guilty to three counts of obscenity, in violation of La. R.S. 14:106, and was sentenced on each count to concurrent sentences of two years at hard labor, without benefit of parole, probation, or suspension of sentence. Cariere now appeals. We affirm his convictions and sentences.

*Facts*

On September 23, 2009, Cariere was charged by bill of information with one count of obscenity<sup>1</sup> and two counts of molestation of a juvenile. The charges resulted from events which transpired on August 5, 2009, when Cariere exposed himself and masturbated in front of four minors and grabbed two of them by the arm in order to get them into his apartment.

On August 23, 2010, as a result of a plea agreement, Cariere pled guilty to three counts of obscenity in violation of La. R.S. 14:106(G)(4), the exposure of the genitals in the presence of an unmarried person under the age of seventeen.

The trial judge reviewed a presentence investigation report prior to sentencing Cariere. On November 23, 2010, Cariere received the minimum sentenced as noted above. This appeal followed.

Cariere's appellate counsel has filed an *Anders* brief, which alleges the existence of no nonfrivolous issues to raise on appeal and seeks the withdrawal of counsel. *See Anders v. California*, 386 U.S. 738, 87 S. Ct.

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<sup>1</sup>It is unclear to what "LRS 14:(27)106" in the bill of information refers. The language following that reference, "did commit obscenity," refers to a completed act. Moreover, the pleadings filed by Cariere's counsel both at the lower court proceedings and on appeal, concede that the charge was the completed act of obscenity.

1396, 18 L. Ed. 2d 493 (1967); *State v. Jyles*, 96-2669 (La. 12/12/97), 704 So. 2d 241, 242; *State v. Mouton*, 95-0981 (La. 4/28/95), 653 So. 2d 1176; *State v. Benjamin*, 573 So. 2d 528 (La. App. 4th Cir. 1990). The brief outlines the procedural history and facts of the case set forth by the state. The brief also contains “a detailed and reviewable assessment for both the defendant and the appellate court of whether the appeal is worth pursuing in the first place.” *Jyles, supra*. The state filed a letter with this Court agreeing that there are no nonfrivolous issues to raise on appeal.

Defense counsel also verified the mailing of copies of the motion to withdraw and brief to the defendant, in accordance with *Anders, Jyles, Mouton, and Benjamin, supra*. Cariere never requested the record and did not file a brief.

#### *Discussion*

This Court has conducted an error patent review of the appellate record and found none. Furthermore, the record supports Cariere’s minimum sentence of two years of imprisonment at hard labor without benefits on each count for these crimes for which he has refused to accept responsibility.

#### *Decree*

For the foregoing reasons, the motion to withdraw is granted, and the defendant’s convictions and sentences are affirmed.

**AFFIRMED.**