

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 9, 2024

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LATAVIA TUCHE TOUSSAINT,

Defendant - Appellant.

No. 24-3031
(D.C. No. 5:22-CR-40069-TC-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **PHILLIPS**, **MURPHY**, and **CARSON**, Circuit Judges.

Ms. Latavia Toussaint pleaded guilty to making a false statement in a passport application in violation of 18 U.S.C. § 1542. At sentencing, she sought and received a time-served sentence with no supervision to follow. Despite not objecting in the district court to any part of the plea process or her sentence, she now appeals her conviction and sentence.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

After Toussaint timely filed her appeal, her attorney in this court filed an *Anders* brief, asserting that the appeal lacked any meritorious basis and moving to withdraw as counsel. *See Anders v. California*, 386 U.S. 738, 744–45 (1967) (outlining withdrawal process based on a frivolous appeal). Toussaint was twice notified of her counsel’s *Anders* brief, and she was given extra time to explain why her appeal is not frivolous, but she declined to do so. Likewise, the government declined to file a response brief.

Under *Anders*, this court must “conduct a full examination of the record to determine whether defendant’s claims are wholly frivolous.” *United States v. Calderon*, 428 F.3d 928, 930 (10th Cir. 2005). “If the court concludes after such an examination that the appeal is frivolous, it may grant counsel’s motion to withdraw and may dismiss the appeal.” *Id.*

Having fully examined the record, we conclude that any appellate challenges on this direct-appeal record would be frivolous. We detect no issues with Toussaint’s conviction or the plea colloquy. And any issue related to her time-served, no-supervision sentence is moot given that she has completed the sentence and is not subject to any sentencing-related collateral consequences. *United States v. Sandoval-Enrique*, 870 F.3d 1207, 1210 (10th Cir. 2017).

Exercising jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a)(1), we grant the motion to withdraw and dismiss the appeal.

Entered for the Court

Gregory A. Phillips
Circuit Judge