

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2012 CA 1720

QUENTIN WOODS

VERSUS

JAMES LEBLANC, SECRETARY OF THE
DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

Judgment Rendered: APR 26 2013

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On Appeal from the
19th Judicial District Court,
In and for the Parish of East Baton Rouge,
State of Louisiana
Trial Court No. 610,022

The Honorable R. Michael Caldwell, Judge Presiding

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Quentin Woods
Jackson, Louisiana

Plaintiff/Appellant
In Proper Person

William Kline
Baton Rouge, Louisiana

Attorney for Defendant/Appellee,
Department of Public Safety & Corrections

* * * * *

BEFORE: GUIDRY, CRAIN, AND THERIOT, JJ.

Handwritten signatures of William Kline and Quentin Woods. The signature of William Kline is at the top, and the signature of Quentin Woods is below it.

CRAIN, J.

Quentin Woods, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, appeals a screening judgment dismissing his petition with prejudice for failure to state a cause of action. For the following reasons, we affirm.

Based upon the allegations of the petition and attachments thereto, Woods is serving a sentence as a habitual offender based upon a guilty plea to a felony drug offense. He was sentenced as a habitual offender under Louisiana Revised Statute 15:529.1 due to a previous guilty plea to another felony drug offense. Woods alleges that he has been improperly denied diminution of sentence credit, or “good time,” as authorized by Louisiana Revised Statute 15:571.3.¹ Woods does not dispute that Section 571.3C prohibits diminution of a sentence if an inmate was convicted of certain enumerated crimes, including a felony drug offense, and is sentenced as an habitual offender; however, he argues that he pled guilty to these offenses, as opposed to being “convicted” of them. Therefore, according to Woods, the statutory disqualification does not apply to him.

Woods appealed the denial of his claim to the district court, where the commissioner rendered a report finding that Woods’ petition did not state a cause of action under Section 571.3C because he was sentenced as a habitual offender and his prior guilty pleas resulted in convictions of one or more of the crimes enumerated in Section 571.3C. The commissioner recommended that Woods’ petition be dismissed on that basis; and, in accordance with that recommendation,

¹ We apply the version of Louisiana Revised Statute 15:571.3C in effect prior to its amendment by 2011 La. Acts, No. 186. Section 5 of that Act provides that the amendment applies only to those persons sentenced on or after August 15, 2011. Although the date of Woods’ sentencing is not reflected in the record, this administrative proceeding was instituted on September 1, 2011, just sixteen days after the effective date of the new Act. It is unlikely that the defendant was sentenced during that sixteen day period. To the extent amended Section 571.3C may apply, however, we note that Woods’ habitual offender status, alone, would be sufficient to disqualify him for diminution of sentence credit under the amended statute.

the district court entered a judgment dismissing Woods' petition with prejudice on May 16, 2012.

After a review of the record and applicable law, we agree with the commissioner and the district court. As the commissioner explained, a guilty plea results in a final conviction. *State v. Bosworth*, 451 So.2d 1070, 1074 (La.1984). A guilty plea is a conviction and, therefore, is to be afforded a great measure of finality. *State v. Banks*, 97-2257 (La. App. 1 Cir. 9/25/98), 721 So. 2d 24, 26, *writ denied*, 98-3210 (La. 4/23/99), 742 So. 2d 877. Based upon his prior convictions and habitual offender status, Woods does not qualify for diminution of sentence under Section 571.3C.

Woods cites *Spellman v. Stalder*, 98-0725 (La. App. 1 Cir. 4/1/99), 740 So.2d 671, 674, *writ granted and remanded on other grounds*, 99-1801 (La. 10/8/99), 750 So.2d 172, as support for his argument that the prior guilty pleas do not meet the requirement of a "conviction" under Section 571.3C. However, the court in *Spellman* did not hold that a guilty plea is not tantamount to a conviction. Instead, the court held that the record did not contain evidence of a particular conviction relied upon by the commissioner. More on point is *Jones v. LeBlanc*, 11-2371 (La. App. 1 Cir. 9/21/12) (unpublished opinion), wherein this court specifically considered and rejected the subject argument, holding that the petitioner's "assertion that a guilty plea is not a conviction for purposes of La. R.S. 15:571.3(C) has no merit."

For these reasons, we affirm the judgment of the trial court recognizing and granting an exception of no cause of action and dismissing Woods' petition with prejudice. All costs associated with this appeal are assessed to Woods. We issue this memorandum opinion in accordance with Uniform Rules--Courts of Appeal, Rule 2-16.1B.

AFFIRMED.