

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 1046

VERSUS

NICKEY A. LANDOR

AUG 27 2013

In Re: Nickey A. Landor, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
423940.

BEFORE: PARRO, GUIDRY, AND DRAKE, JJ.

WRIT DENIED. Act 123 of 2012 repealed La. R.S. 15:574.22, the statutory authority for the Louisiana Risk Review Panel and its procedures, and no particular procedure was established in its place. Relator appears to argue the trial court now has the authority and obligation to resentence under the more lenient penalty provision. See La. R.S. 15:308(B). Relator misstates the provisions applicable to a fourth felony habitual offender, and it is not clear that relator's habitual offender adjudication would be included in the more lenient penalty provisions. In any event, as the Supreme Court recognized in **State v. Dick**, 2006-2223 (La. 1/26/07), 951 So.2d 124, 133, affirming 2006-1381 (La. App. 1st Cir. 7/20/06), 943 So.2d 389, allowing a court to reduce an offender's final sentence "would, in effect, commute a valid sentence, a power the legislature knows to be constitutionally reserved to the executive branch." See also **State v. Surry**, 48,464 (La. App. 2d Cir. 8/2/13), ___ So.3d ___, 2013 WL 3969613; **State v. Dickerson**, 48,308 (La. App. 2d Cir. 8/2/13), ___ So.3d ___, 2013 WL 3969612. The trial court did not err when it denied the motion to correct illegal sentence.

RHP
JMG
EGD

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT