

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 1274

VERSUS

TRAVIS S. JOHNSON

DEC 03 2018

In Re: Travis S. Johnson, applying for supervisory writs,
21st Judicial District Court, Parish of Livingston,
No. 35186.


BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

WRIT GRANTED. Louisiana Revised Statutes 40:966(B)(1)(a) dictates that "upon conviction" a defendant is subject to the amended sentence range. Such wording is material and, unless violative of the *ex post facto* prohibition, should be applied as written. **State v. Holloway**, 2015-1233 (La. 10/19/16), 217 So.3d 343. See also **State v. Harrison**, 2017-1566 (La. App. 1st Cir. 5/1/18) 2018 WL 2041414 (unpublished). The ruling denying the motion to correct an illegal sentence is reversed, the motion is granted, and this matter is remanded for resentencing pursuant to La. R.S. 40:966(B) as amended by 2017 La. Acts No. 281, § 2 (effective August 1, 2017).

WJC
GH

McDonald, J., dissents.

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DEPUTY CLERK OF COURT
FOR THE COURT