

STATE OF LOUISIANA

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NO. 2002-KA-0310

VERSUS

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COURT OF APPEAL

SHAWN WILLIAMS

*

FOURTH CIRCUIT

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STATE OF LOUISIANA

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JONES, J. DISSENTS WITH REASONS

Shawn Williams and the district court are correct. This mandatory minimum sentence, as found by the district court, is in fact the imposition of cruel and unusual punishment, and gives absolutely no measurable resemblance to fairness. Williams was arrested for prostitution. Louisiana is one in a minority of states wherein the sex charge herein is even considered a felony. The imposition of a twenty-year sentence for the possession of paraphernalia, as indicated by the district court, with a minuscule amount of cocaine is absurd. A system that permits such cruel treatment is clearly out of control.

Finally, the legislature has returned the discretion in sentencing of multiple offenders to the district court; however, the statute was not made retroactive to convictions that were not final. I would apply the newly

enacted statute, vacate the sentence, and remand for re-sentencing.