

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NUMBER 2013 KW 0646

VERSUS

TYSON HOLLIS

MAY 21 2013

In Re: Tyson Hollis, applying for supervisory writs,
19th Judicial District Court, Parish of East
Baton Rouge, Nos. 09-98-0418 & 01-00-0180.

BEFORE: KUHN, PETTIGREW, AND McDONALD, JJ.

WRIT DENIED. Act 123 of 2012 repealed the statutory authority for the Louisiana Risk Review Panel, and no particular procedure was established in its place. Relator argues the trial court now has the authority and obligation to resentence under the more lenient penalty provision. See La. R.S. 15:308(B). However, 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."

JTP
JMM
JEK

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DEPUTY CLERK OF COURT

FOR THE COURT