

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 2082

VERSUS

GARY PAUL BILBO

MAR 14 2014

In Re: Gary Paul Bilbo, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
Nos. 01-06-0195, 02-06-0130, & 03-06-0296.

BEFORE: PETTIGREW, McDONALD AND McCLENDON, JJ.

WRIT DENIED. A district court has no authority to amend or modify a sentence in a felony case in which the defendant has been sentenced to imprisonment at hard labor after execution of the sentence has begun unless the court grants a timely filed motion to reconsider sentence. See La. Code Crim. P. arts. 881(A) & 881.1. Furthermore, a sentencing court has the authority to order that some or all of the terms of imprisonment be served consecutively. See La. Code Crim. P. art. 883. Moreover, it is well established that sentences must be individualized to the particular offender. **State v. Batiste**, 594 So.2d 1, 3 (La. App. 1st Cir. 1991). Additionally, it is within the purview of the trial court to particularize the sentence because the trial judge remains in the best position to assess the aggravating and mitigating circumstances presented by each case. **State v. Cook**, 95-2784 (La. 5/31/96), 674 So.2d 957, 958 (per curiam), cert. denied, 519 U.S. 1043, 117 S.Ct. 615, 136 L.Ed.2d 539 (1996).

JMM
PMc
JTP

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DEPUTY CLERK OF COURT

FOR THE COURT