

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1202

VERSUS

SPENCER ELZIE

NOV 03 2014

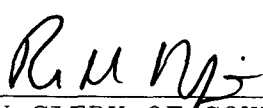
In Re: Spencer Elzie, applying for supervisory writs, 21st
Judicial District Court, Parish of Tangipahoa, No.
77846.

BEFORE: KUHN, PETTIGREW AND WELCH, JJ.

WRIT DENIED. Although the "at hard labor" language was added to La. R.S. 15:529.1(G) by 2010 La. Acts No. 69, § 1, the addition of that condition to the habitual offender law did not modify the sentencing provisions of any underlying felony offense. The sentence conditions required by La. R.S. 15:529.1(G) are additions to, rather than replacements of, those conditions required by the sentencing provisions for the underlying offense. A sentence enhanced under the habitual offender statute is computed by referring to the underlying offense. See **State v. Douglas**, 2010-2039 (La. App. 1st Cir. 7/26/11), 72 So.3d 392, 398, writs denied, 2011-2307 (La. 5/25/12), 90 So.3d 406 & 2012-2508 (La. 5/3/13), 115 So.3d 474. Because relator's underlying felony conviction for distribution of cocaine allowed for a sentence at hard labor, that condition was a legal component of relator's sentence as a habitual offender. See La. R.S. 40:967(B)(4)(b). Accordingly, the trial court did not err in denying relator's motion to correct an illegal habitual offender sentence.

**JTP
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