

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2014 KW 1525

VERSUS

JOHN K. JONES

NOV 20 2014

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In Re: John K. Jones, applying for supervisory writs, 19th  
Judicial District Court, Parish of East Baton Rouge, No.  
11-98-0206.


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**BEFORE: GUIDRY, THERIOT AND DRAKE, 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. The motion to consolidate sentences, which was filed in 2014, is an out-of-time motion to reconsider sentence, which is not contemplated by the Louisiana Code of Criminal Procedure nor allowed by the jurisprudence. See State v. Gedric, 99-1213 (La. App. 1st Cir. 6/3/99), 741 So.2d 849, 851-52 (per curiam), writ denied, 99-1830 (La. 11/5/99), 751 So.2d 239. 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. As relator is well aware of, at sentencing the judge expressly directed that the sentences run consecutively. Moreover, 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).

JMG  
MRT  
EGD

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT