

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2014 CA 1400

REMOND DIXON

VERSUS

LOUISIANA DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS

Judgment Rendered: APR 24 2015

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On Appeal from the
19th Judicial District Court,
Parish of East Baton Rouge,
State of Louisiana
Trial Court No. C615411

The Honorable William Morvant, Judge Presiding

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Remond Dixon
South Lake Providence, Louisiana

Appellant,
In Proper Person

William L. Kline
Baton Rouge, Louisiana

Attorney for Defendant/Appellee,
Department of Public Safety
and Corrections

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BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

Handwritten signatures and initials in black ink. The top signature is a large, stylized 'M'. Below it is another signature that appears to be 'JMM'. At the bottom of these signatures are the initials 'CA'.

CRAIN, J.

Remond Dixon¹ is an inmate in the custody of the Louisiana Department of Public Safety and Corrections (DPSC), serving an eighteen-year sentence for an armed robbery committed in 1998. Dixon was previously convicted of purse snatching in 1993. Because in 1998 both armed robbery and purse snatching were listed as crimes of violence in Louisiana Revised Statute 14:2B, DPSC classified Dixon as a second offender of a crime of violence and denied him good time eligibility pursuant to Louisiana Revised Statute 15:571.3D, which provides:

Diminution of sentence shall not be allowed an inmate in the custody of the Department of Public Safety and Corrections if the instant offense is a second offense crime of violence as defined by [Louisiana Revised Statute] 14:2(B).

Dixon argues that because purse snatching was not listed as a crime of violence in Section 14:2B in 1993, to consider it a crime of violence now for purposes of denying him good time eligibility violates his right against *ex post facto* application of law. Through its two-step administrative remedy procedure, DPSC rejected Dixon's argument and denied his request to recalculate his sentence. After *de novo* review, the district court affirmed DPSC's decision. Dixon now appeals.

The law in effect at the time of the commission of the offense determines the penalty that the convicted accused must suffer. *Massey v. Louisiana Dept. of Public Safety & Corrections*, 13-2789 (La. 10/15/14), 149 So. 3d 780, 783. Once a sentence is imposed on a defendant, any change in the law that later occurs cannot be applied to that defendant to increase *that* sentence or penalty. *Williams v. Creed*, 07-0614 (La. 12/21/07), 978 So. 2d 419, 425, *writ denied*, 08-0433 (La. 10/2/09), 18 So. 3d 111. Here, the denial of good time eligibility while the defendant serves his armed robbery sentence does not increase the penalty for the

¹ Although the name is spelled "Remond Dixon" in the caption of this case, the record reflects that the proper spelling is "Remond Dixon."

purse snatching conviction. Rather, it increases the penalty for the armed robbery conviction. *Cf. State v. Rolan*, 95-0347 (La. 9/15/95), 662 So. 2d 446, 448. When Dixon committed the armed robbery in 1998, Section 15:571.3D was in effect and both purse snatching and armed robbery were listed as crimes of violence in Section 14:2B. Thus, in 1998 Dixon had notice that he would not be eligible for good time if he committed another crime of violence, and there is no *ex post facto* violation. *See Id.* at 448-49; *Pratt v. LeBlanc*, 12-0833 (La. App. 1 Cir. 1/8/13), 2013WL85289, *writ denied*, 13-0268 (La. 6/14/13), 118 So. 3d 1083.

We affirm the judgment of the district court in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.1B. All costs of this appeal are assessed to Remond Dixon.

AFFIRMED.