

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

STATE OF LOUISIANA

NO. 2017 KW 1236

VERSUS

DEC 04 2017

JOSEPH COLLINS

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In Re: Joseph Collins, applying for supervisory writs, 19th  
Judicial District Court, Parish of East Baton Rouge,  
No. 04-09-0049.

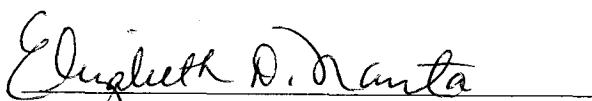
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**BEFORE: McDONALD, HOLDRIDGE AND PENZATO, JJ.**

**WRIT GRANTED.** This matter is remanded to the district court for an evidentiary hearing to determine the free and voluntary nature of relator's pleas, particularly in light of relator's claims that he was unaware that his sentences were to be served without benefit of parole, probation, or suspension of sentence, and because the guilty plea hearing transcript does not show that relator's sentences were imposed without benefits, nor was relator made aware at that hearing of the mandatory restriction of benefits for his sentences. At the hearing the court should also clarify the record as to the term of relator's sentence for his conviction of attempted first-degree robbery, as the transcript shows that relator stated he was agreeing to a two year sentence, the minutes and the commitment order list the sentence as two years, but the transcript also shows that the court actually imposed a ten year sentence for that conviction. If still necessary, at this hearing the district court shall then make a determination regarding relator's claims of ineffective assistance of counsel with respect to trial counsel's representation of relator solely as to the issue of any failure to inform relator of the consequences of his plea.

GH  
AHP  
JMM

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT