

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 0679

VERSUS

SHANNON CHARLES FERGUSON

AUG 20 2018

In Re: Shannon Charles Ferguson, applying for supervisory writs, 16th Judicial District Court, Parish of St. Mary, No. 2011-186950.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT DENIED. The law in effect at the time of the commission of the offense is determinative of the penalty which the convicted accused must suffer. See **State v. Sugasti**, 2001-3407 (La. 6/21/02), 820 So.2d 518, 520. Thus, a defendant must be sentenced according to sentencing provisions in effect at the time of the commission of the offense. See **State v. Narcisse**, 426 So.2d 118, 130-131 (La. 1983), cert. denied, 464 U.S. 865, 104 S.Ct. 202, 78 L.Ed.2d 176 (1983). The 2017 amendment to La. R.S. 40:967(C), which tailored the sentences for drug convictions according to the weight of the controlled dangerous substance involved in the offense, became effective August 1, 2017, and does not apply retroactively. See 2017 La. Acts No. 281, § 1. Furthermore, the amendments to the habitual offender law became effective November 1, 2017, and shall only apply to offenders whose convictions become final on or after November 1, 2017. See 2017 La Acts Nos. 257 and 282, §§ 2. Relator's conviction, habitual offender adjudication, and sentence became final when the Louisiana Supreme Court denied relator's writ seeking review of this court's opinion on his appeal on November 18, 2016. Therefore, the district court did not err by denying relator's motion to correct an illegal sentence.

TMH
VGW
PMc

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