

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0346

VERSUS

SHANNON CHARLES FERGUSON

MAY 28 2019

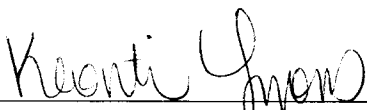
In Re: Shannon Charles Ferguson, applying for supervisory writs, 16th Judicial District Court, Parish of St. Mary, No. 2011-186950.

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

WRIT DENIED. The applicable habitual offender provisions are those in effect on the date the defendant committed the underlying offense. See La. R.S. 15:529.1(K)(1); **State v. Parker**, 2003-0924 (La. 4/14/04), 871 So.2d 317, 327. Relator was not sentenced prior to June 15, 2001 nor was he sentenced under one of the more lenient penalty provisions listed in La. R.S. 15:308(B). Therefore, he is not entitled to be resentenced. See La. R.S. 15:308(A)(1) & (2) (prior to amendment by 2014 La. Acts No. 340, § 1); **State ex rel. Esteen v. State**, 2016-0949 (La. 1/30/18), 239 So.3d 233, 237-38 (*per curiam*). Furthermore, the legislature did not repeal or change the substantive habitual offender law in 2010 La. Acts No. 911, § 1. The portion of the proposed legislation that relator relies upon was not enacted into law. Accordingly, the district court did not err by denying the motion to correct an illegal sentence.

VGW
PMc
TMH

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