

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

STATE OF LOUISIANA

NO. 2019 KW 0650

VERSUS

BRANDON HERBERT

**AUG 05 2019**

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In Re: Brandon Herbert, applying for supervisory writs, 23rd  
Judicial District Court, Parish of Ascension, No.  
15284.

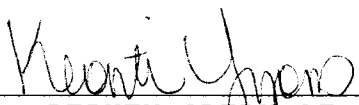
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**BEFORE: McDONALD, THERIOT, AND CHUTZ, JJ.**

**WRIT DENIED.** A district court has no authority to amend or modify a legal sentence in a felony case in which the defendant has been sentenced to imprisonment at hard labor after the defendant has begun serving the sentence unless the court grants a timely filed motion to reconsider sentence. See La. Code Crim. P. arts. 881(A) & 881.1(A)(1). See also **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. Accordingly, the district court did not err by denying the motion to amend or modify sentence without holding a contradictory hearing.

**JMM**  
**MRT**  
**WRC**

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DEPUTY CLERK OF COURT  
FOR THE COURT