

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2020 KW 0041

VERSUS

DARRELL GLENN CAGER, JR.

SEPTEMBER 10, 2020

In Re: Darrell Glenn Cager, Jr., applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, Nos. 11-17-0374, 10-18-0120 & 01-19-0236.

BEFORE: WHIPPLE, C.J., GUIDRY AND WOLFE, JJ.

WRIT GRANTED. A probation revocation hearing is subject to due process safeguards, including adequate notice and an opportunity to present evidence. See **Gagnon v. Scarpelli**, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 656 (1973). The record does not show that the State followed the notice and rule requirements prior to revoking relator's probation, which occurred at a restitution hearing. Accordingly, the decision to revoke relator's probation is vacated, and this matter is remanded to the district court for further proceedings. Relator's probation status is reinstated pending further proceedings.

VGW

JMG

Wolfe, J., dissents and would deny the writ application.

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DEPUTY CLERK OF COURT
FOR THE COURT