

STATE OF LOUISIANA

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NO. 2006-K-1508

VERSUS

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COURT OF APPEAL

EDDIE TRIPLETT

\*

FOURTH CIRCUIT

\*

STATE OF LOUISIANA

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APPLICATION FOR WRITS DIRECTED TO  
CRIMINAL DISTRICT COURT ORLEANS PARISH  
NO. 400-740, SECTION "H"  
Honorable Camille Buras, Judge

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**JUDGE MAX N. TOBIAS, JR.**

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(COURT COMPOSED OF JUDGE MAX N. TOBIAS, JR., JUDGE  
DAVID S. GORBATY, AND JUDGE EDWIN A. LOMBARD)

*LOMBARD, J. CONCURS*

EDDIE TRIPLETT #125982  
MAGNOLIA UNIT ONE  
LOUISIANA STATE PENITENTIARY  
ANGOLA, LA 70712

IN PROPER PERSON, RELATOR

**SUPERVISORY WRIT GRANTED; JUDGMENT  
AFFIRMED.**

2007

FEBRUARY 7,

The relator, Eddie Triplett, seeks review of the trial court's judgment denying his motion to correct an illegal sentence in light of La. R.S. 15:308, as amended by Louisiana Acts 2006, No. 45. La. R.S. 15:308 declared that Louisiana Acts 2001, No. 403 should be applied retroactively. For the following reasons, we affirm.

On 22 October 1998, a jury found the relator guilty of possession of cocaine, a violation of La. R.S. 40:967. He was subsequently adjudicated a fourth felony offender pursuant to La. R.S. 15:529.1 and sentenced to life imprisonment without benefit of probation, parole, or suspension of sentence. This court affirmed his conviction and sentence in an unpublished opinion. *State v. Triplett*, 00-0620, unpub. (La. App. 4 Cir. 1/17/01), writ denied, 01-0654 (La. 1/12/02), 816 So.2d 865.

The gravamen of the dispute is whether the trial court had jurisdiction to review and reduce the relator's sentence pursuant to La. R.S. 13:308, as amended by Louisiana Act 2006, No. 45.

In *State v. Dick*, 06-2223, 06-2226 (La. 1/26/07), \_\_\_ So. 2d. \_\_\_, 2007 WL 196367, the Louisiana Supreme Court held that the exclusive remedy of an offender (such as Mr. Triplett) for relief under La. R.S. 15:308 is before the Louisiana Risk Review Board and not before the district court, because in effect the offender is seeking a commutation of sentence; commutation of a sentence falls exclusively, pursuant to the Louisiana Constitution, to the executive branch of government. *Id.* at p. 2, \_\_\_ So. 2d at \_\_\_. The Louisiana Risk Review Board falls within the executive branch of government.

The trial court did not err in refusing to grant the relator relief pursuant to La. R.S. 15:308. The judgment sentencing Mr. Triplett to life imprisonment without the benefit of probation, parole, or suspension of sentence was a final, definitive judgment over which the trial court had no jurisdiction to modify under La. R.S. 15:308.

Therefore, we grant the relator's application for a supervisory writ of review, but affirm the trial court's judgment denying him relief.

**SUPERVISORY WRIT GRANTED; JUDGMENT**

**AFFIRMED.**