

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

**06-439
consolidated with 06-436, 06-437, 06-438,
06-440, 06-441, 06-442, 06-443, 06-444, and 06-445**

STATE OF LOUISIANA

VERSUS

FAY V. PEREZ, III

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT,
PARISH OF VERMILION, NO. 41547,
HONORABLE BYRON HEBERT, DISTRICT JUDGE**

**MICHAEL G. SULLIVAN
JUDGE**

Court composed of Sylvia R. Cooks, Michael G. Sullivan, and Glenn B. Gremillion,
Judges.

SENTENCE VACATED IN PART; REMANDED.

**Michael Harson
District Attorney
Ted L. Ayo
Assistant District Attorney
Post Office Box 175
Abbeville, Louisiana 70511-0175
(337) 898-4320
Counsel for:
State of Louisiana**

**Mark O. Foster
Louisiana Appellate Project
Post Office Box 2057
Natchitoches, Louisiana 71457-2057
(318) 354-1292
Counsel for Defendant/Appellant:
Fay V. Perez, III**

SULLIVAN, Judge.

For the reasons assigned in *State v. Perez*, 06-436 (La.App. 3 Cir. 8/ __/06), ___ So.2d ___, the condition of probation requiring Defendant to pay restitution to victims other than those of the offenses to which he pleaded guilty is vacated, and the case is remanded for an evidentiary hearing to determine the specific elements of the plea agreement and whether the entire agreement is invalidated. The trial court should also advise Defendant again of the time limitation for filing an application for post-conviction relief, if necessary.

SENTENCE VACATED IN PART; REMANDED.