

SUPREME COURT OF LOUISIANA

NO. 99-K-3256

STATE OF LOUISIANA

VS.

ROY LINDSEY

On Writ of Certiorari to the Court of appeal, Fourth Circuit,
Parish of Orleans

c/w 99-K-3302

STATE OF LOUISIANA

VS.

DARRYL K. WEBSTER

On writ of Certiorari to the Court of Appeal, Fourth Circuit,
Parish of Orleans

JOHNSON, J. DISSENTING

Defendant Darryl K. Webster was convicted of purse snatching, a violation of La. R.S. 14:65.1, and sentenced to life imprisonment without benefit of probation or suspension of sentence after the trial court adjudicated him a third felony offender.

The Court of Appeal vacated the life sentence finding it to be constitutionally excessive. I agree with the Court of Appeal.

A life sentence for purse snatching is grossly disproportionate under the Eighth Amendment.

A criminal sentence must have some relationship to the crime for which the defendant has been convicted. **Solem v. Helm, 463 U.S. 277, 103 S.Ct. 3001, 77 L.Ed.2d 637 (1983).**

Where is the social value in incarcerating this defendant for life for what most reasonable people will agree is a relatively minor offense?

When the legislature passed the habitual offender statute, La. R.S. 15:529.1, the intent was to reach violent criminals, who demonstrate through their recidivism that they are beyond rehabilitation.

I am not convinced that the legislature had defendant Darryl K. Webster, or other purse snatchers in mind when they put these mandatory sentences in place. We now see disparate results across the state. Some District Attorneys reserve multiple billing for violent offenders.

In Orleans Parish, every petty thief, shoplifter and purse snatcher is subject to a mandatory life sentence because of the policy on multiple billing.

With regard to defendant Roy Lindsey, my appreciation of the record is that this crime arose from an employment-related dispute with a co-worker. No weapon was involved and the victim was not injured. Lindsey's prior convictions did not involve crimes of violence.

In my opinion, the life sentence imposed by the trial court is grossly out of proportion to the severity of the crime. I would set aside the sentence and remand the case for reconsideration.