

1/26/01

SUPREME COURT OF LOUISIANA

No. 00-K-0129

STATE OF LOUISIANA

v.

DEMOND THOMAS

On Writ of Certiorari to the
Fourth Circuit Court of Appeal

PER CURIAM:*

Granted. The trial court erred in sentencing respondent to the drug diversion probation program pursuant to the provisions of La. R.S. 13:5304 in the absence of a recommendation by the District Attorney. See State v. Taylor, 99-2935 (La. 10/17/00), ___ So.2d _____. To the extent that La. R.S. 13:5304(B)(3)(a) requires that the defendant plead guilty to the charge(s) against him if he or she is accepted into the drug diversion probation program, and respondent in his opposition to the state's application in this Court requests a new trial if he may no longer participate in the drug diversion probation program, respondent's convictions and sentences are reversed and this case is remanded to the district court for purposes of providing respondent with the opportunity to plead anew to the charges against him.

* James C. Gulotta, Justice Pro Tempore, sitting for associate justice, Harry T. Lemmon.