

05/16/03 “See News Release 035 for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

No. 03-K-0259

STATE OF LOUISIANA

v.

JOHN R. DECREVEL

On Writ of Certiorari to the
First Circuit Court of Appeal

PER CURIAM:

Granted in part. The court of appeal had the authority on its own motion to correct the sentence imposed by directing the court to add the mandatory fine of \$5000 required by R.S. 14:98(E)(1)(a). See State v. Williams, 00-1725 (La. 11/29/01), 800 So.2d 790; see also State v. Clemons, 01-1032 (La. App. 2nd Cir. 2/26/02), 811 So.2d 1047, writ denied 02-0918 (La. 11/22/02), 834 So. 2d 972. However, the court of appeal erred in further directing the trial court to require that all of the 12-year term of imprisonment at hard labor must run without benefit of parole, probation, or suspension of sentence. Because the defendant entered his guilty plea to fourth offense D.W.I. after the effective date of 2001 La. Acts 1163, he is entitled to the benefit of the ameliorative changes in the law with respect to sentencing under R.S. 14:98(E)(1), including suspension of all but 60 days of the sentence imposed. See State v. Mayeux, 01-3195 (La. 6/21/02), 820 So.2d 526. The defendant's sentence is therefore vacated, and this case is remanded to the trial court for resentencing in accord with the applicable law.