

SUPREME COURT OF LOUISIANA

2018-K-1771

STATE OF LOUISIANA

vs.

RUFFIN STOKES

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
THIRD CIRCUIT, PARISH OF IBERIA**

Crichton, J., additionally concurs and assigns reasons.

I agree with the decision to deny this writ. I write separately to note my view that this brutal armed robbery offense, which included as victims two adults and a three-year-old child, warrants a significant hard labor sentence. However, I agree with the court of appeal's remand for resentencing, though for a different reason than the court of appeal. Here, in my view, the trial judge did not comply with La. C.Cr.P. 894.1. Specifically, he failed correctly to assess applicable mitigating factors, *i.e.* defendant's youth (20 years old) and status as a first-time offender. In fact, contrary to clearly established jurisprudence, the trial judge deemed his youth an *aggravating* factor, rather than *mitigating* factor, emphasizing that defendant would likely commit additional crimes. *Cf. State v Knox*, 425 So. 2d 707, 708 (La. 1982) (recognizing "youth and first offender status" as common mitigating circumstances); *State v Walker*, 414 So. 2d 1245 (La. 1982) (same). Accordingly, I agree with the court of appeal that the case must be remanded for resentencing and proper assessment of all applicable 894.1 factors. *See, e.g., State v Ladd*, 14-1611 (La. 3/27/15, 164 So. 3d 184 (remanding case for resentencing for trial court's failure to comply with application of 894.1 factors)).