

SUPREME COURT OF LOUISIANA

No. 2018-K-1943

STATE OF LOUISIANA

versus

MARC Q. SCROGGINS

**ON WRIT OF CERTIORARI TO THE SECOND CIRCUIT
COURT OF APPEAL, PARISH OF CADDO**

PER CURIAM:

Writ granted. Pursuant to *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970), defendant pleaded guilty to the illegal use of weapons in violation of La. R.S. 14:94(F) involving the discharge of a firearm while attempting to commit a crime of violence. Pretermitted defendant's sentencing claim, the court of appeal vacated the plea because it found as an error patent "that the record of the guilty plea proceedings does not contain a factual basis for Defendant's plea as required by [*North Carolina v. Alford*]." *State v. Scroggins*, 52,323 (La. App. 2 Cir. 11/14/18) (unpub'd). However, the record, including the presentence investigation, police reports, and transcript of the sentencing hearing, provides a factual basis for defendant's plea, and the court of appeal erred in setting the plea aside sua sponte when defendant's sole complaint on appeal pertained to the sentence imposed. *See State v. Guzman*, 99-1753, p. 6 (La.5/16/00), 769 So.2d 1158, 1162 ("We find that an error in the plea colloquy required by La.C.Cr.P. art. 556.1 is not an error 'that is discoverable by a mere inspection of the pleadings and proceedings' [for purposes of La.C.Cr.P. art. 920(2)]"). Accordingly, we reverse the ruling of the court of appeal, we reinstate defendant's guilty plea, and we remand to the court of appeal with instructions to

consider the pretermitted assignment of error.

REVERSED AND REMANDED