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SUPREME COURT OF LOUISIANA

No. 2009-KO-1743

STATE OF LOUISIANA

v.

ROBERT ELIJAH LAMAR MINCEY (A.K.A.  
ROBERT BRYANT)

On Writ of Certiorari to the  
Third Circuit Court of Appeal

PER CURIAM:<sup>1</sup>

Writ granted in part; otherwise denied. Defendant's sentence is amended to delete the trial court's prohibition on diminution of sentence pursuant to R.S. 15:571.3(C)(1)(c). While defendant is not eligible for diminution of sentence, the provisions of R.S. 15:571.3(C) "are directed to the Department of Corrections exclusively." State ex rel. Simmons v. Stalder, 93-1852 (La. 1/26/96), 666 So.2d 661. The trial court acted beyond its authority in denying that eligibility. See State v. Jackson, 07-0975, p. 14 (La. App. 5<sup>th</sup> Cir. 4/15/08), 985 So.2d 246, 254. The district court is directed to make an entry in the minutes reflecting this change. In all other respects, the application is denied.

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<sup>1</sup> Chief Justice Kimball not participating.