

SUPREME COURT OF LOUISIANA

No. 2013-OK-1125

STATE OF LOUISIANA

VERSUS

MARK SMITH

**ON SUPERVISORY WRITS TO THE FORTIETH
JUDICIAL DISTRICT COURT FOR PARISH OF ST. JOHN**

Guidry, J., dissents in part and assigns reasons.

I agree with the majority's finding that the district court erred in granting defendant's motion to correct an illegal sentence, resentencing him to a term of 21 years, and then ordering his release. However, I would first reinstate defendant's sentence of life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence for 20 years, *see State v. Smith*, 339 So.2d 829, 835 (La. 1976), and direct the district court to issue a new commitment order reinstating the sentence.