

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KP-00239

VS.

JOE WASHINGTON

-----

IN RE: Joe Washington - Applicant Defendant; Applying For Supervisory Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) 03-11-0290, Court of Appeal, First Circuit, Number(s) 2021 KW 1044;

-----

November 16, 2022

Writ application granted. See per curiam.

- JTG
- JLW
- JDH
- SJC
- JBM
- PDG

Crain, J., recused.

Supreme Court of Louisiana  
November 16, 2022

  
 \_\_\_\_\_  
 Chief Deputy Clerk of Court  
 For the Court

**SUPREME COURT OF LOUISIANA**

**No. 22-KP-0239**

**STATE OF LOUISIANA**

**v.**

**JOE WASHINGTON**

**ON SUPERVISORY WRITS TO THE NINETEENTH  
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

**PER CURIAM:**

Granted. Applicant's enhanced sentence of mandatory life imprisonment at hard labor without benefit of probation, parole, or suspension of sentence is illegal under the pertinent sentencing provisions. *See State v. Singleton*, 352 So.2d 191 (La. 1977); *see also State v. Zeigler*, 41,617 (La. App. 2 Cir. 12/20/06), 945 So.2d 946. Specifically, applicant's 1974 simple burglary predicate offense was not "punishable by imprisonment for twelve years or more" at the time he committed that crime. Acts 1977, No. 133, § 1, which amended the penalty provision of La. R.S. 14:62 to "with or without hard labor, for not more than twelve years," did not become effective until September 9, 1977. Therefore, under the applicable version of La. R.S. 15:529.1 in effect when the applicant again committed simple burglary in 2010, applicant should have been sentenced as a fourth felony offender to a term of imprisonment "not less than the longest prescribed for a first conviction [of the underlying offense] but in no event less than twenty years and not more than his natural life." Furthermore, pursuant to subsection (G) of the applicable version of La. R.S. 15:529.1, such sentence should have been without benefit of probation or suspension of sentence, but there should have been no restriction of parole

eligibility because the penalty provision of the underlying offense contained none. Therefore, we vacate his enhanced sentence, and we remand to the district court for resentencing consistent with this ruling.