

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-K-00032

VS.

MALIK K. LAWSON

IN RE: Malik Lawson - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Orleans Criminal, Criminal District Court Number(s) 542-667, Court of
Appeal, Fourth Circuit, Number(s) 2019-KA-0482;

July 02, 2020

Writ application granted in part. See per curiam.

JDH

BJJ

JLW

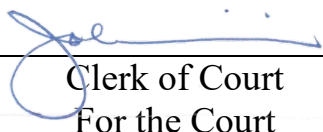
JTG

JHB

Crichton, J., would grant and docket.

Crain, J., would grant and docket.

Supreme Court of Louisiana
July 02, 2020


Clerk of Court
For the Court

07/02/20

SUPREME COURT OF LOUISIANA

No. 2020-K-00032

STATE OF LOUISIANA

v.

MALIK K. LAWSON

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FOURTH CIRCUIT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted in part. Defendant pleaded guilty as charged to possession of a firearm by a person convicted of certain felonies, La.R.S. 14:95.1, and resisting an officer, La.R.S. 14:108, while reserving his right to seek appellate review of the denial of his motion to suppress, pursuant to *State v. Crosby*, 338 So.2d 584 (La. 1976). The court of appeal affirmed the guilty pleas after finding the district court did not err in denying defendant's motion to suppress. *State v. Lawson*, 19-0482 (La. App. 4 Cir. 11/6/19) (unpub'd), available at 2019 WL 5791585. However, the court of appeal found as an error patent that the district court erred in failing to impose the fine mandated by La.R.S. 14:95.1(B). Therefore, the court of appeal remanded to the district court with instructions to impose the fine.

The court of appeal erred. Although an appellate court has the discretion to correct an illegal sentence at any time, in accordance with La.C.Cr.P. art. 882, a sentence is not illegally lenient if it was agreed upon by both parties and the court pursuant to La.C.Cr.P. art. 890.1. Article 890.1 provides for waiver of minimum

mandatory sentences and fines for certain offenses when a defendant pleads guilty pursuant to a negotiated plea agreement with the prosecution and the court. *See State v. Kondylis*, 14-0196 (La. 10/3/14), 149 So.3d 1210.

Here, the sentencing transcript shows that there was an agreement with regard to defendant's sentence. In addition, the State did not object to the sentence or seek review. Therefore, the court of appeal erred in finding it was illegally lenient and in ordering sua sponte that it be modified. Accordingly, we reverse the ruling of the court of appeal with regard to this sentence, and we reinstate the sentence imposed by the district court. The application is otherwise denied.