

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-00877

VS.

DARREN L. JARVIS

IN RE: Darren L. Jarvis - Applicant Defendant; Applying For Supervisory Writ,
Parish of St. Tammany, 22nd Judicial District Court Number(s) 265,848, 1st Circuit
Court of Appeal, Number(s) 2019 KW 1620;

January 12, 2021

Writ application granted. See per curiam.

SJC

JTG

JBM

WJC

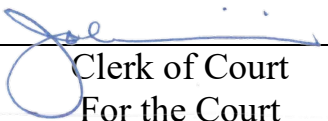
Weimer, C.J., concurs in part, dissents in part and assigns reasons.

Hughes, J., concurs in part, dissents in part and assigns reasons.

Crain, J., additionally concurs and assigns reasons.

Johnson, J., concurs in part, dissents in part and assigns reasons.

Supreme Court of Louisiana
January 12, 2021



Clerk of Court
For the Court

01/12/21

SUPREME COURT OF LOUISIANA

No. 2020-KH-00877

STATE OF LOUISIANA

versus

DARREN L. JARVIS

**ON SUPERVISORY WRIT TO THE TWENTY-SECOND JUDICIAL
DISTRICT COURT, PARISH OF ST. TAMMANY**

PER CURIAM:

Writ granted. The sentence reductions in Act 403 of 2001 and Act 45 of 2002 are expressly applicable retroactively to inmates sentenced prior to 2001. *See* La.R.S. 15:308(A)(1) and (2) (prior to amendment by 2014 La. Acts No. 340, § 1); *see also State ex rel. Esteen v. State*, 16-0949 (La. 1/30/18), 239 So.3d 233, 238 (per curiam). Applying these amendments to applicant's life sentence as a third-felony offender is difficult because of confusion in the record, and discrepancies between the transcript and the district court's written reasons for judgment, with regard to whether a prior conviction for simple burglary was used as a predicate felony in the habitual offender adjudication. Given this record, it is possible that defendant's life sentence exceeds that authorized by statute if simple burglary was not used as a predicate felony. *See* La.R.S. 15:529.1, as amended by 2001 La. Acts 403. Accordingly, we grant the application to vacate the habitual offender adjudication and sentence, and we remand to the district court to conduct a new habitual offender adjudication. Applicant will also have the opportunity to argue in the district court that the sentence imposed is excessive or seek a downward departure below the statutorily mandated minimum sentence. *See State v.*

Dorthey, 623 So.2d 1276 (La. 1993).

VACATED AND REMANDED