

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KK-00678

VS.

JERRIT MONTGOMERY

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of East Baton Rouge, 19th Judicial District Court Number(s) 10-16-0315, 05-
16-0403, 09-17-0293, 1st Circuit Court of Appeal, Number(s) 2020 KW 0039;

November 18, 2020

Writ application granted. See per curiam.

WJC

JLW

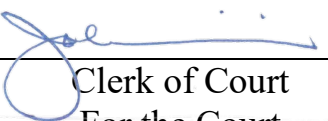
SJC

JTG

JHB

Hughes, J., would deny.

Supreme Court of Louisiana
November 18, 2020



Clerk of Court
For the Court

11/18/20

SUPREME COURT OF LOUISIANA

No. 2020-KK-00678

STATE OF LOUISIANA

versus

JERRIT MONTGOMERY

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

PER CURIAM:

Writ granted. On August 13, 2007, defendant pleaded guilty to sexual battery, La.R.S. 14:43.1,¹ and indecent behavior with a juvenile, La.R.S. 14:81, which offenses he committed on May 29, 2006. The factual basis entered at the time of the pleas indicated that the victim of the sexual battery was almost 12 years old at the time of the crime. Defendant completed his terms of imprisonment in 2009. Thereafter, he repeatedly failed to comply with the conditions of supervised release, as outlined in La.R.S. 15:561.1 et seq., which ultimately lead to additional convictions and terms of imprisonment. Upon his release in 2016, he was arrested multiple times for again failing to comply with the conditions of supervised release provided in La.R.S. 15:561.1 et seq., and he was charged again. He filed a motion to quash the charges.

The district court granted the motion, finding that there was never a judicial determination that the victim of the sexual battery was under the age of 13, and therefore the supervised conditions provided in La.R.S. 15:561.1 et seq. did not apply to defendant. *See* La.R.S. 15:561.3 (“The provisions of this Chapter shall

¹ This provision was amended by 2006 La. Acts 103 (eff. August 15, 2006) to provide an enhanced penalty when the victim is under the age 13. Defendant committed the offense before the effective date of the Act, and therefore could not be charged or sentenced under the amended law.

apply to any person convicted, on or after August 15, 2006, of a sex offense as defined in R.S. 15:541 when the victim is under the age of thirteen years.”). The district court erred.

As noted above, it is clear from the plea colloquy that defendant pleaded guilty to the sexual battery of a child who was under the age of 13. This was established in the factual basis provided by the State and agreed to by defendant. In addition, the bill of information provided the child’s date of birth, the date of the offense, and thus indicated that the victim was under the age of 13 at the time of the offense. Moreover, defendant has never contested that the victim was under the age of 13 at the time he committed the crime.

Therefore, we grant the State’s application. We vacate the district court’s ruling, and we deny defendant’s motion. We remand to the district court for further proceedings consistent with the views expressed here.

REVERSED AND REMANDED