

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-K-01883

VS.

CONTRAVIOUS TRAVON VINSON

IN RE: Contravious Travon Vinson - Applicant Defendant; Applying For Writ Of
Certiorari, Parish of Caddo, 1st Judicial District Court Number(s) 363,156, Court of
Appeal, Second Circuit, Number(s) 54,056-KA;

February 22, 2022

Writ application granted in part; denied in part. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
February 22, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2021-K-01883

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VS.

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On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Caddo

PER CURIAM:

The trial court found defendant guilty of domestic abuse aggravated assault, La. R.S. 14:37.7, and possession of a firearm by a person convicted of certain felonies, La. R.S. 14:95.1. The State then alleged that defendant was a second felony offender and produced evidence to support that at a habitual offender adjudication hearing. The trial court adjudicated defendant a second felony offender, La. R.S. 15:529.1, relative to both underlying convictions and sentenced him to concurrent five-year (La. R.S. 14:37.7) and ten-year (La. R.S. 14:95.1) sentences. The court of appeal affirmed the underlying convictions, but, after conducting error patent review, vacated the enhanced La. R.S. 14:95.1 sentence as illegally lenient and remanded for resentencing as a third felony offender.

The court of appeal erred in ordering resentencing of defendant as a third felony offender. *See* R.S. 15:529.1(D); La.C.Cr.P. art. 61; *see also State v. Dorthey*, 623 So.2d 1276, 1280 (La. 1993). There is no authority to enhance a defendant's sentence under La. R.S. 15:529.1 in excess of what the State requests in the multiple offender bill of information.

The order for resentencing is reversed and the sentences imposed by the trial court are reinstated. The parole restriction is removed from the enhanced domestic abuse aggravated assault sentence. *See* La. R.S. 14:37.7(C) and La. R.S.

15:529.1(G). This matter is remanded for correction of the minute entry and commitment order to remove the parole restriction from defendant's domestic abuse aggravated assault sentence only. Otherwise, the writ application is denied.

GRANTED IN PART; DENIED IN PART; REMANDED.