

The Supreme Court of the State of Louisiana

BOBBY SNEED

No.2021-KK-01776

VS.

TIM HOOPER, WARDEN

IN RE: Bobby Sneed - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish
of East Baton Rouge, 19th Judicial District Court Number(s) C-711804, Court of
Appeal, First Circuit, Number(s) 2021 CW 1460;

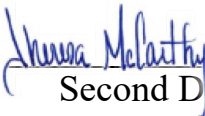
December 07, 2021

Writ application granted. See per curiam.

JLW
JDH
JTG
PDG

Crichton, J., dissents.
Crain, J., dissents.
McCallum, J., dissents.

Supreme Court of Louisiana
December 07, 2021



Second Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2021-KK-01776

BOBBY SNEED

VS.

TIM HOOPER, WARDEN

*On Writ of Certiorari to the Court of Appeal, First Circuit,
Parish of East Baton Rouge*

PER CURIAM

Factually and legally, this matter presents in a complicated and complex manner and is, therefore, dependent for resolution on its own unique circumstances. Petitioner, who was granted parole and scheduled for release on March 29, 2021, was hospitalized after collapsing on March 25, 2021. Upon his discharge from the hospital, he was not released, but returned to prison. In connection with the March 25 incident, petitioner was issued a disciplinary report for violating a conduct rule barring contraband, but following a hearing before the Louisiana State Penitentiary Disciplinary Board on May 5, 2021, petitioner was found “not guilty” of possessing contraband. Nonetheless, on May 7, 2021, a member of the Committee on Parole executed a single-member action to rescind the Committee’s prior decision to grant petitioner’s application for parole.

“The conditions of parole as well as the granting or revocation thereof rest in the discretion of the [Committee on Parole], whose decisions generally cannot be appealed.” **Bosworth v. Whitley**, 627 So.2d 629, 631 (La. 1993) (citing La. R.S. 15:574.11). The rules adopted by the Committee on Parole provide for rescission of a prior grant of parole pursuant to a single-member action. See, La. Admin. Code Title 22, Part XI, §§ 504(K), 513(A). However, here the Committee did not act to

rescind petitioner's parole prior to his release date. As a result, petitioner was held in physical custody after his release date.

Petitioner's limited liberty interests attached once his release date passed. See, **Morrissey v. Brewer**, 408 U.S. 471, 482 (1972). For that reason, we find rescission was not available here. Rather, procedural due process dictates that petitioner was entitled to a revocation hearing rather than a rescission of parole. The denial of that hearing is appealable. La. R.S. 15:574.11.

Accordingly, the decision of the court of appeal is reversed, and this matter is remanded to the district court for further proceedings consistent herewith.