

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-K-00993

VS.

KEVIN GAINES

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of Caddo, 1st Judicial District Court Number(s) 340106, Court of Appeal,
Second Circuit, Number(s) 54,383-KA;

November 16, 2022

Writ application granted. See per curiam.

JTG
JLW
JDH
SJC
WJC
JBM
PDG

Supreme Court of Louisiana
November 16, 2022

Katio Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-K-0993

STATE OF LOUISIANA

v.

KEVIN GAINES

**ON SUPERVISORY WRITS TO THE FIRST
JUDICIAL DISTRICT COURT, PARISH OF CADDO**

PER CURIAM:

Granted. The court of appeal erred in finding as errors patent that defendant's sentences of 50 years imprisonment at hard labor on counts one and two for molestation of a juvenile under the age of 13, La.R.S. 14:81.2, were illegal. The 50-year sentences are within the range authorized by the amended and renumbered penalty provision for those crimes during the times the State alleged and proved that defendant committed them. Therefore, we reverse the court of appeal's ruling, which vacated the sentences for counts one and two and remanded for resentencing. Because the trial court has already resentedenced defendant in accordance with the court of appeal's erroneous instructions, we also vacate those sentences. We reinstate the sentences originally imposed by the trial court. We remand to the court of appeal for further consideration of defendant's assignment of error, which the court of appeal partially pretermitted in its ruling.