STATE OF LOUISIANA COURT OF APPEAL, SECOND CIRCUIT 430 Fannin Street Shreveport, LA 71101 (318) 227-3700

No. 55,396-KH

STATE OF LOUISIANA

VERSUS

LAWRENCE NIXON

FILED: 06/21/23

RECEIVED: PM 06/08/23

On application of Lawrence Nixon for POST CONVICTION RELIEF in No. 45311 on the docket of the Second Judicial District, Parish of JACKSON, Judge Charles Glenn Fallin.

Counsel for:

Pro se Lawrence Nixon

Counsel for:

Daniel W. Newell State of Louisiana

Before THOMPSON, ROBINSON, and MARCOTTE, JJ.

WRIT GRANTED AND MADE PEREMPTORY; REMANDED WITH INSTRUCTIONS.

The applicant, Lawrence Nixon, seeks supervisory review of the trial court's May 3, 2023, ruling denying his "Motion to Correct Illegal Habitual Sentence." The Jackson Parish Clerk of Court's website shows that pursuant to the directive of this Court in its February 24, 2023, writ order, Nixon sought and was granted by the trial court a copy of the minutes and transcript of his habitual offender proceedings. A copy of the transcript was filed in the trial court record on April 4, 2023, and was available for the trial court's review at the time of the ruling at issue. Thus, we find that the trial court's reliance on this Court's February 24, 2023, writ order to deny Nixon's "Motion to Correct Illegal Habitual Sentence," was in error. We hereby grant the writ, reverse the trial court's ruling and remand for reconsideration of Nixon's "Motion to Correct Illegal Habitual Sentence," on the merits.

We note that the trial court minutes and commitment order provided in support of the writ application before this Court indicate that *all three* of Nixon's sentences were imposed with the restriction of parole for the *entire term*. On its face, this documentation reflects a potential error in Nixon's sentencing based upon the applicable sentencing laws in effect at the time of Nixon's offenses, which

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should be evaluated and or resolved by the trial court after review of the habitual offender bill of information and hearing transcript as well as the 2012 laws applicable to Nixon's habitual offender adjudication and sentencing. To that end, the trial court is instructed to provide a written ruling on the merits of Nixon's "Motion to Correct Illegal Habitual Sentence," clarifying which counts were subject to the habitual offender charge, the proper sentence for each, and to order any necessary correction of the minutes and commitment order.

Shreveport, Louisiana, this 9	day of <u>August</u>	, 2023.
JLR	JRV	Com
FILED: August 9, 2023		
Shandra Jaylor DEPLITY CLERK		