

SUPREME COURT OF LOUISIANA

State of Louisiana v. Kenneth Wilson

836 So. 2d 2 (La. 2002) · No. 2001-K-2815 · Decided November 22, 2002

SUMMARY

The Louisiana Supreme Court held that the defendant was entitled to resentencing after his first-degree robbery conviction was reduced to simple robbery. The court vacated the mandatory life sentence and remanded for the district court to determine whether the sentence was constitutional and appropriate in light of the reduced conviction, the nonviolent prior offenses, and applicable habitual-offender law principles. Two justices dissented, and one assigned separate dissenting reasons.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam; Kimball, J.; Victory, J.; Traylor, J.
JURISDICTION	Louisiana
DECIDED	November 22, 2002
DOCKET	2001-K-2815
DISPOSITION	vacated
PROCEDURAL POSTURE	Defendant sought review of the court of appeal's decision reducing his first degree robbery conviction to simple robbery and affirming the mandatory life sentence without remanding for resentencing.
STANDARD OF REVIEW	The Supreme Court reviewed whether the sentence could stand after the conviction was reduced and whether the case required remand for the district court to determine the constitutionality and appropriateness of the sentence as applied.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion
PARTIES	State of Louisiana v. Kenneth Wilson

TOPICS

- sentencing
- cruel and unusual punishment
- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

- criminal law
- sentencing
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the court of appeal erred by affirming the mandatory life sentence without remanding for the district court to resentence Wilson after reducing his conviction from first degree robbery to simple robbery.
2. Whether Wilson was entitled to present to the district court arguments and evidence that the mandatory life sentence was unconstitutionally excessive as applied to him.

HOLDINGS

1. When an appellate court reduces a defendant's conviction, the case must be remanded to the district court for imposition of a new sentence so that the trial judge can sentence the defendant with full knowledge of the offense of conviction.
2. On remand, Wilson was entitled to present evidence and argument that the mandatory life sentence was unconstitutionally excessive in light of the reduced conviction, the nonviolent nature of his prior offenses, and other circumstances of the case; the district court had the duty to make that determination under the governing excessive-sentence principles.

KEY QUOTATIONS

"To rebut the presumption of constitutionality, a defendant must show something more than a record of non-violent offenses. Instead, he must clearly and convincingly show that "[he] is exceptional, which in this context means that because of unusual circumstances this defendant is a victim of the legislature's failure to assign sentences that are meaningfully tailored to the culpability of the offender, the gravity of the offense, and the circumstances of the case." (4)

"The trial judge in this case has the duty to examine the reduced conviction and determine, in accordance with the principles this court enunciated in Sepulvado, Dorthey, and Johnson, whether the mandatory sentence is constitutional as applied to this defendant." (4)

FACTUAL BACKGROUND

In April 2000, Wilson robbed a teller at Minden Bank and Trust. He was convicted of first degree robbery and was subject to habitual-offender enhancement based on three prior nonviolent felony convictions: two worthless-check convictions and one conviction for illegal possession of stolen things. After the court of appeal reduced the conviction to simple robbery, which was also classified as a crime of violence, it affirmed the mandatory life sentence without returning the case to the trial court for resentencing.

PROCEDURAL HISTORY

Wilson was convicted in district court of first degree robbery as a fourth felony offender and received the mandatory life sentence under the then-effective Habitual Offender Law. The court of appeal found the evidence insufficient for first degree robbery, reduced the conviction to simple robbery, and affirmed the life sentence without remanding for resentencing. The Louisiana Supreme Court granted Wilson's writ application, vacated the sentence, and remanded for resentencing.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remand to the district court for imposition anew of a legal, constitutional, and appropriate sentence. Wilson may present evidence and argument concerning the reduced simple-robbery conviction, the nonviolent nature of his prior offenses, and the later amendment of the Habitual Offender Law.

CASES CITED

- State v. Sepulvado, 367 So. 2d 762, 767 (La. 1979)
- State v. Dorthey, 623 So. 2d 1276 (La. 1993)
- State v. Johnson, 709 So. 2d 672, 676 (La. 1998)
- State v. Cook, 674 So. 2d 957 (La. 1996)