

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 CA 1441

JAMES M. SARGENT, JR.

VERSUS

JAMES M. LEBLANC, SECRETARY, DEPARTMENT
OF CORRECTIONS, STATE OF LOUISIANA,
LOUISIANA PAROLE BOARD, LINDA RAMSEY,
AND C.A. LOWE, JR.

Judgment Rendered: February 11, 2011.

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On Appeal from the
19th Judicial District Court,
in and for the Parish of East Baton Rouge
State of Louisiana
District Court No. 573,736

The Honorable Todd Hernandez, Judge Presiding

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James M. Sargent, Jr.
Jackson, La.

Petitioner/Appellant,
Appearing Pro Se

William L. Kline
Baton Rouge, La.

Counsel for Defendant/Appellee,
James M. LeBlanc

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BEFORE: CARTER, C.J., GAIDRY AND WELCH, JJ.

CARTER, C.J.

The petitioner/appellant, prisoner James M. Sargent, Jr., appeals that part of the district court judgment denying relief, and dismissing in part, his petition for judicial review of his administrative remedy procedure claim. Specifically, the petitioner maintains the district court erred in: deeming him ineligible to earn a diminution in sentence in accordance with La. Rev. Stat. Ann. § 15:571.3(B); refusing to order the department to correct his good time release date; and refusing to order him released on good time parole supervision.

Petitioner/appellant has been adjudicated a habitual offender, with prior convictions for second degree battery and aggravated second degree battery, both of which are crimes of violence. *See* La. Rev. Stat. Ann. § 14.2(B)(6), (31). Even if, at the time of the offense, a crime is not specifically enumerated in La. Rev. Stat. Ann. § 14.2(B), the crime can still be defined as a crime of violence. *See State v. Girod*, 04-854 (La. App. 5 Cir. 12/28/04); 892 So. 2d 646, 653, *writ denied*, 05-0597 (La. 6/3/05); 903 So. 2d 455. The list of crimes of violence found in La. Rev. Stat. Ann. § 14.2(B) is illustrative rather than exclusive. *State v. Hinton*, 08-1849 (La. App. 1 Cir. 2/13/09); 6 So. 3d 242, 244.

Louisiana Revised Statutes Annotated section 15:571.3(C) precludes good time eligibility for inmates sentenced to an enhanced term as a habitual offender for an offense committed on or after September 10, 1977, if that inmate has a prior conviction for a crime of violence. An inmate also is ineligible for good time when he has two convictions for crimes of violence. La. Rev. Stat. Ann. § 15:571.3(D).

For these reasons, the district court judgment, rendered in conformance with the commissioner's recommendation, is affirmed by summary disposition in accordance with Uniform Rules-Courts of Appeal, Rule 2-16.2(A)(2), (4)-(6). Costs of this appeal are assessed to the petitioner/appellant, James M. Sargent, Jr.

AFFIRMED.