

NOT DESIGNATED
FOR PUBLICATION

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

RE: Docket Number 2010-CA-0875

Andrea Hall

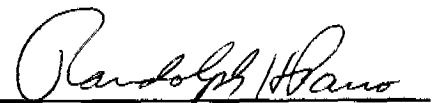
-- Versus --

Louisiana Department of Public Safety and Corrections,
James Leblanc and Burl Cain, Warden, Louisiana State
Penitentiary

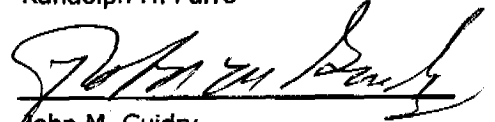
19th Judicial District Court
Case #: 583516
East Baton Rouge Parish

On Application for Rehearing filed 11/03/2010

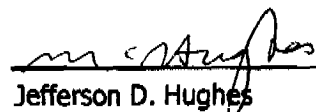
Rehearing GRANTED.



Randolph H. Parro

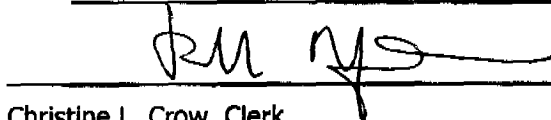


John M. Guidry



Jefferson D. Hughes

Filed NOV 17 2010



Christine L. Crow, Clerk

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STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2010 CA 0875

ANDREA HALL

VERSUS

**LOUISIANA DEPARTMENT OF PUBLIC
SAFETY AND CORRECTIONS, ET AL.**

BEFORE: PARRO, GUIDRY, AND HUGHES, JJ.

NOV 17 2010

PARRO, J.

The Louisiana Department of Public Safety and Corrections (DPSC) has applied for rehearing on the basis that it was error to assess appeal costs in this matter against it, as this case was still in the "screening" phase, pursuant to LSA-R.S. 15:1178 and 1188, and DPSC had not been served with the petition. DPSC contends that the judgment against it for costs is a nullity, because it was rendered against a defendant who had not been served with process, citing LSA-C.C.P. art. 2002.

Having examined the application for rehearing, we agree with DPSC that the assessment of costs against it in this matter was legal error, and that portion of the judgment is a nullity. Therefore, we amend the concluding portion of the judgment in this matter to state the following:

We reverse the judgment of March 11, 2010, and remand this matter to the district court for further proceedings. Assessment of appeal costs is withheld until the final resolution of this matter.

APPLICATION FOR REHEARING GRANTED. JUDGMENT AMENDED TO DELETE ASSESSMENT OF COSTS.