

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 CA 0200

LOUIS EDWARD WILLIAMS

VERSUS

LOUISIANA DEPARTMENT OF CORRECTIONS, JAMES  
M. LEBLANC, WARDEN, KEITH DEVILLE, LINDSEY  
RAMSEY, CATHY BONNETTE



Judgment Rendered: **SEP 14 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  
Trial Court No. 582,182

Honorable Timothy E. Kelley, Judge Presiding

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Louis E. Williams  
Pineville, LA

Plaintiff-Appellant,  
In Proper Person

Susan Wall Griffin  
Baton Rouge, LA

Attorney for Defendant-Appellee,  
James M. LeBlanc, Secretary of Louisiana  
Department of Public Safety and  
Corrections

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BEFORE: CARTER, C.J., PARRO AND HIGGINBOTHAM, JJ.

*Parro, J., concurs in the result.*

**HIGGINBOTHAM, J.**

Louis E. Williams, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (DPSC), appeals a judgment affirming the final agency decision and dismissing his petition for judicial review. We affirm the judgment in accordance with Rule 2-16.1(B) of the Uniform Rules of Louisiana Courts of Appeal.

On February 18, 1998, Mr. Williams pled guilty to the charge of manslaughter. He was sentenced to a term of fifteen years, with credit for the time he served while awaiting disposition of the charges against him. According to the record, Mr. Williams was deemed eligible for parole after serving one-third (five years) of his sentence and was released on parole supervision. Subsequently, Mr. Williams was charged with absconding supervision and his parole was revoked. DPSC determined that after his parole was revoked he owed nine years eleven months, and sixteen days on his sentence.

In September 2009, Mr. Williams filed a Petition for Judicial Review pursuant to LSA-R.S. 15:1177; complaining that the DPSC incorrectly calculated his good time release date after the revocation of his parole and challenging the duration of his confinement with DPSC. Mr. Williams argues that, because he had served five years prior to being released on parole, he should only have to serve two and one-half years more in order to reach his good time release date. He asserts that under LSA-R.S. 15:571.3 (governing diminution of sentence for good behavior) his fifteen year sentence should have been reduced to seven and one-

half for “good time.” He further contends that according to LSA-R.S. 15:574.9(E)<sup>1</sup> he should “return and continue w[h]ere he left off on [his] sentence.”

DPSC has taken the position that Mr. Williams forfeited all the good time earned prior to release on parole pursuant to LSA-R.S. 15:571.4(B)(2) which provides;

(2) An inmate who has been returned to the custody of the department because of a violation of the terms of parole granted by the Board of Parole shall forfeit all good time earned on that portion of the sentence served prior to the granting of parole.

DPSC further notes that the parole certification signed by Mr. Williams stated “I understand that should my parole be revoked for any reason, I will forfeit all good time earned on that portion of my sentence prior to parole.”

The Commissioner’s recommendation stated:

R.S. 15:571.4(B)(2) directly addresses the issue of whether an inmate, released on parole by a decision of the Parole Board, must forfeit all good time earned prior to his release on parole... R.S. 15:571.4(B)(2) must be applied to the petitioner in this matter...[Mr. Williams’] original good time date ... was only a projected release date and that projection was based upon the petitioner continuing to earn day-for-day good time credit until he reached his projected good time release date.

...

[Mr. Williams] fails to show his good time release date has been improperly calculated by the defendants or show that he has reached his mandatory good time release date at this time.

The district court adopted the reasons of the commissioner, affirmed the decision of the agency, and dismissed the suit with prejudice. We have reviewed

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<sup>1</sup>The applicable version of Louisiana Revised Statute 15:574.9(E) provides in pertinent part:

When the parole of a parolee has been revoked by the board for the violation of the conditions of parole, the parolee shall be returned to the physical custody of the Department of Public Safety and Corrections, office of corrections services, and serve the remainder of his sentence as of the date of his release on parole, subject to consideration by the board of any commutation of the sentence, and any diminution of sentence earned for good behavior while in the institution.

the entire record and agree with the conclusion reached by DPSC and the district court that Mr. Williams forfeited all his earned "good time" after revocation of his parole. Therefore, the computation of his good time credit by DPSC was correct, and we find no error in the judgment affirming the DPSC decision and dismissing Mr. Williams' petition. The judgment is affirmed and all costs of this appeal are assessed against Mr. Williams.

**AFFIRMED.**