

# STATE OF LOUISIANA

## COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 1497

VERSUS

JAMES MCKINLEY MILLER

FEB 10 2020

---

In Re: James McKinley Miller, applying for supervisory writs,  
22nd Judicial District Court, Parish of St. Tammany,  
No. 585,796.

---

**BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.**

**WRIT DENIED.** The sentencing transcript clearly shows that the district court did not impose a sentence on the second degree battery conviction (count 2) prior to the habitual offender proceedings. Thus, there was no original sentence to vacate. Further, the habitual offender sentence imposed for count 2 did not restrict parole. Parole was only restricted with respect to defendant's ten-year sentence on count 3 for domestic abuse battery by burning. Pursuant to La. R.S. 14:35.3(M), the district court was authorized to restrict parole for the domestic abuse battery by burning conviction, and the court informed relator of the penalties for all of the offenses prior to accepting his guilty pleas. Furthermore, the district court did not impose an additional sentence for relator's prior conviction in docket number 551801. Accordingly, none of the claims presented by relator in the writ application have merit. Therefore, the district court did not err by denying the motion to correct an illegal sentence.

PMc

JEW

GH

COURT OF APPEAL, FIRST CIRCUIT



---

DEPUTY CLERK OF COURT  
FOR THE COURT