

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2007 CA 0860

JASON DOYLE

VERSUS

**RICHARD STALDER, SECRETARY OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS,
PRICILLA PITRE, AND TERRY TERRELL**

Judgment Rendered: December 21, 2007

On Appeal from the Nineteenth Judicial District Court
In and For the Parish of East Baton Rouge
State of Louisiana
Docket No. 547,436

Honorable R. Michael Caldwell, Judge Presiding

Jason Doyle
Allen Correctional Center
Kinder, Louisiana

Plaintiff/Appellant
In Proper Person

Melinda L. Long
Baton Rouge, Louisiana

Counsel for Defendant/Appellee
Richard Stalder, Secretary of
Louisiana Department of Public
Safety & Corrections

BEFORE: GAIDRY, McDONALD, AND McCLENDON, JJ.

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McCLENDON, J.

In this suit by a prisoner, Jason Doyle, against the Department of Public Safety and Corrections, the Secretary of the Department, Richard Stalder, and various employees (department), the denial of “good time” based on LSA-R.S. 15:537 was questioned. We affirm the district court’s affirmance of the department’s decision.

After Mr. Doyle’s requests for an administrative remedy were denied, he filed for judicial review in the Nineteenth Judicial District Court. Using settled tenets of statutory construction, the commissioner for the district court found that LSA-R.S. 15:537, which denies certain sexual offenders eligibility for diminution of sentence for good behavior (good time), was more narrowly drawn than the general diminution of sentence statute, LSA-R.S. 15: 571.3. Thus, LSA-R.S. 15:537 was particularly applicable to Mr. Doyle as a sexual offender. The district court, after a *de novo* review of the record, adopted the commissioner’s recommendations, and affirmed the department’s decision.

After our thorough review of the record, we find that the commissioner’s analysis adequately explained the basis for the decision and we agree with the commissioner’s reasoning. Under the applicable statute, amendment of the sentence to require the department to implement such a reduction would be a violation of law. See Jackson v. Phelps, 506 So.2d 515 (La.App. 1 Cir.), writ denied, 508 So.2d 829 (La.1987).

Therefore, finding no abuse of discretion, manifest error, or error of law, we affirm the judgment in accordance with URCA Rule 2-16.2.A(4)-(8). The costs of the appeal are assessed to the appellant, Jason Doyle.

AFFIRMED.