

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2007 CA 2195

JOSEPH WINZY

VERSUS

JAMES M. LeBLANC, WARDEN, DIXON CORRECTIONAL
INSTITUTION, CONNIE KENNEDY AND LUCIDA RAMONZ

Judgment rendered May 2, 2008.

Appealed from the
19th Judicial District Court
in and for the Parish of East Baton Rouge, Louisiana
Trial Court No. 544,725
Honorable William A. Morvant, Judge

JOSEPH WINZY
HOMER, LA

MELINDA L. LONG
JONATHAN R. VINING
BATON ROUGE, LA

IN PROPER PERSON
PLAINTIFF-APPELLANT
JOSEPH WINZY

ATTORNEYS FOR
DEFENDANT-APPELLEE
RICHARD STALDER,
SECRETARY, DEPARTMENT OF
PUBLIC SAFETY &
CORRECTIONS

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

Handwritten signatures and initials in black ink. At the top is a signature that appears to be 'J. Winzy'. Below it is another signature, possibly 'M. Long' or 'J. Vining'. At the bottom are the initials 'JAW'.

PETTIGREW, J.

In this case, petitioner, an inmate in the custody of the Department of Public Safety and Corrections ("DPSC"), sought review of Administrative Remedy Procedure No. D.C.I.-2006-208, concerning his sentencing as a habitual offender. The petitioner alleged that the trial court failed to impose an enhanced sentence under the terms of La. R.S. 15:529.1 and that he should be deemed eligible to receive good time credits on his 15-year sentence pursuant to La. R.S. 15:571.3. Following a *de novo* review of the record herein, including the traversal by petitioner and the Commissioner's Report, the trial court maintained the decision by DPSC, dismissing petitioner's suit with prejudice. This appeal followed. After a thorough review of the record and relevant jurisprudence, we find the cases of **Canty v. Day**, 99-0649, p. 3 (La. App. 1 Cir. 12/28/99), 756 So.2d 384, 385-386 and **Toliver v. Day**, 99-1192, pp. 2-3 (La. App. 1 Cir. 12/28/99), 756 So.2d 386, 387 to be controlling. Accordingly, we affirm the trial court's judgment in accordance with Uniform Rules--Courts of Appeal, Rule 2-16.2A(2), (5), (6), and (8). All costs associated with this appeal are assessed against petitioner.

AFFIRMED.