

SUPREME COURT OF LOUISIANA

No. 97-KK-1906

STATE OF LOUISIANA

Versus

WALTER JOHNSON

LEMMON, J., Concurring

The Supreme Court of the United States has provided guidance for determining the excessiveness of a sentence for a habitual offender. In Solem v. Helm, 463 U.S. 277 (1983), the Court concluded that a life sentence without possibility of parole for a habitual offender was unconstitutionally excessive when the charged crime was "uttering a `no account' check," a nonviolent crime not involving the person, and the six prior offenses were relatively minor, were all nonviolent, and none was a crime against the person. Id. at 280-81.

The present case falls short of the Helm criteria, primarily because the habitual offender sentence here was not as severe.