

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

06-281

STATE OF LOUISIANA

VERSUS

WILBERT TOUCHET, JR.

Painter, J., concurs.

I concur in the majority opinion herein. While I agree that the record supports the sentence imposed, I would also find that the sentence is illegally lenient because the trial court failed to deny diminution of the sentence pursuant to La.R.S. 15:537. Pursuant to *State v. Williams*, 00-1725 (La.11/28/01), 800 So.2d 790 and La.Code Crim.P. art. 882, this court is authorized to recognize and correct illegally lenient sentences. *See also State v. Vollm*, 04-837 (La.App. 3 Cir. 11/10/04), 887 So.2d 664; *State v. Loyden*, 04-1558 (La.App. 3 Cir. 4/6/05), 899 So.2d 166; and *State v. G.M.W., Jr.*, 05-391 (La.App. 3 Cir. 11/2/05), 916 So.2d 460. Therefore, I would recognize the error patent, amend the sentence, and instruct the trial court to make a notation in its minutes of the amendment.