

Judgment rendered December 20, 2006
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C.Cr.P.

No. 41,616-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

DASON REID

Appellant

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Appealed from the
Eleventh Judicial District Court for the
Parish of DeSoto, Louisiana
Trial Court No. 0613303

Honorable Charles B. Adams, Judge

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LAURA MARIE PAVY
Louisiana Appellate Project

Counsel for
Appellant

DON M. BURKETT
District Attorney

Counsel for
Appellee

MICHAEL E. DANIEL
Assistant District Attorney

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Before CARAWAY, MOORE and LOLLEY, JJ.

NOT DESIGNATED FOR PUBLICATION.
Rule 2-16.3, Uniform Rules, Courts of Appeal.

CARAWAY, J.

Dason Reid seeks review of his six-year hard labor sentence imposed by the trial court for an aggravated burglary conviction. Finding that Reid is precluded from seeking review of his agreed-to sentence, we affirm.

Facts

The facts of record show that on December 11, 2005, Reid and others from the Cool Springs Boys' Home crossed over onto the victim's property and broke into his home. While inside, they took alcohol and ice chests. Reid returned to the victim's home and retrieved a gun from underneath a mattress and stole ammunition. The group also broke into a shed and removed a four-wheeler. The gun was discovered on Reid when it fell out of his pocket onto the basketball court at the Cool Springs Boys' Home.

In agreement for the dismissal of two other charges relating to the crime, Reid pled guilty to one count of aggravated burglary with an agreed-to sentencing cap of six years. Prior to sentencing, the trial court ordered a pre-sentence investigation report. In sentencing Reid to six years at hard labor, the court noted the facts of the case and Reid's extensive juvenile record and considered his youth to be a mitigating factor. After the court denied a timely motion to reconsider sentence on grounds of excessiveness, this appeal ensued.

La. C.Cr.P. art. 881.2 provides that a defendant cannot appeal or seek review of a sentence imposed in conformity with a plea agreement which was set forth in the record at the time of the plea. This provision applies both to agreed upon sentences and agreed upon ceilings, ranges or caps.

State v. Young, 96-0195 (La. 10/15/96), 680 So. 2d 1171; *State v. Burford*, 39,801 (La. App. 2d Cir. 6/29/05), 907 So. 2d 873. Accordingly, because Reid's plea agreement with the state included an agreed-to sentencing cap of six years, he is precluded from appealing the imposed sentence. Reid's conviction and sentence are affirmed.

AFFIRMED.