

## Law & Industry Daily

# Justices Uphold Katrina Fraud Sentence

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NEW ORLEANS, La., March 14 (LID) – The Louisiana Supreme Court on Tuesday reinstated a 60-year prison sentence for a former Alabama state legislator convicted of bilking New Orleanians after Hurricane Katrina.

Former Alabama Rep. John Colvin Jr. was convicted of six counts of theft for defrauding six storm victims whom he promised modular homes in exchange for payment but failed deliver.

In February 2010, Colvin was sentenced to six 10-year prison terms to be served consecutively.

He had previously pleaded guilty in Jefferson Parish to defrauding six people of \$39,400 to \$63,500 for not completing home repairs following the 2005 storm.

In a *per curiam* decision Tuesday, the state Supreme Court upheld the sentence imposed by Orleans Parish Criminal District Judge Darryl Derbigny.

The justices held that the sentence wasn't disproportionate to the offense, noting that Colvin engaged in "a pattern of conduct that clearly reflected more than business ineptitude and was fraudulent from the outset."

The Orleans Parish trial court was justified in imposing consecutive sentencing because of the "exceptional risk to public safety" pose by Colvin, who "preyed systematically on distressed homeowners attempting to rebuild their lives in the aftermath of 9 Hurricane Katrina, and he was good at it."

The Supreme Court decision reverses the 4th Circuit Court of Appeal, which had upheld Colvin's convictions but remanded the case the trial court, after finding the sentence unconstitutionally excessive.

In a 15-page opinion, Judge Roland Belsome cited a 1979 Louisiana Supreme Court decision that for an offender without a prior felony record, "ordinarily concurrent rather than consecutive sentences should be imposed."

Colvin has been in state prison since May 2009.

The case is *State of Louisiana v. John Colvin*, No. 11-K-104, Louisiana Supreme Court.

A copy of the Supreme Court decision is available at <http://www.lasc.org/opinions/2012/11K1040.opn.pdf>.



Louisiana Supreme Court building

