

Judgment rendered March 8, 2017.
Application for rehearing may be filed
within the delay allowed by Art. 992,
La. C. Cr. P.

No. 51,114-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

ROY R. JONES

Appellant

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Appealed from the
Forty-Second Judicial District Court for the
Parish of DeSoto, Louisiana
Lower Court Case No. 15CR26226

Honorable Charles B. Adams, Judge

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LOUISIANA APPELLATE PROJECT
By: Douglas L. Harville

Counsel for Appellant

GARY V. EVANS
District Attorney

Counsel for Appellee

CLIFFORD R. STRIDER, III
Assistant District Attorney

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Before BROWN, DREW, and STONE, JJ.

PER CURIAM.

Defendant, Roy R. Jones, was charged with two counts of resisting an officer with force or violence. Defendant was subsequently convicted of two counts of attempted resisting an officer with force or violence and was sentenced to concurrent sentences of one and one-half years at hard labor. Defendant appealed his convictions and sentences to this Court.

During the pendency of this appeal, defendant has died. Defendant's counsel filed a motion to dismiss this appeal, to vacate defendant's convictions, and to remand to the district court with instructions to dismiss the indictment. Remand is unnecessary. In accordance with *State v. Harvey*, 94-0343 (La. 10/20/94), 644 So. 2d 371; *State v. Thom*, 438 So. 2d 208 (La. 1983); and *State v. Hamilton*, 370 So. 2d 874 (La. 1979), the motion to dismiss is granted, the judgment of conviction is vacated, and all proceedings in this prosecution are abated from their inception. *See also State v. Burton*, 46,552 (La. App. 2 Cir. 09/21/11), 74 So. 3d 253.

JUDGMENT OF CONVICTION VACATED.