

Judgment rendered May 25, 2017.

No. 51,632-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Respondent

versus

BREONNE WHITAKER

Applicant

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On Application for Writs from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Lower Court Case No. 318083

Honorable Ramona L. Emanuel, Judge

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LOUISIANA APPELLATE PROJECT
By: Peggy J. Sullivan

Counsel for Applicant

BREONNE WHITAKER

Pro Se

JAMES E. STEWART, SR.
District Attorney

Counsel for Respondent

REBECCA A. EDWARDS
WILLIAM J. EDWARDS
Assistant District Attorneys

* * * * *

Before WILLIAMS, DREW, and STONE, JJ.

PER CURIAM.

This appeal arises from the defendant's conviction and sentence for second degree murder. A review of the appellate record reveals that the district court failed to rule on the defendant's motion for post-verdict judgment of acquittal prior to sentencing the defendant, in accordance with La. C. Cr. P. art. 821.

Accordingly, the defendant's sentence is hereby vacated, the appeal is dismissed and the matter is remanded to the trial court for further proceedings. The defendant's motions to supplement the record are denied as moot. The defendant may appeal any adverse rulings or any sentence subsequently imposed. *State v. Thomas*, 50,085 (La. App. 2 Cir. 5/1/15), 166 So. 3d 379; *State v. Jackson*, 614 So. 2d 783 (La. App. 2 Cir. 1993).