

Judgment rendered July 27, 2017.

No. 51,730-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

JOSEPH BLAKE ALLEN

Appellant

* * * * *

Appealed from the
Eighth Judicial District Court for the
Parish of Winn, Louisiana
Trial Court No. 43533

Honorable Jacque D. Derr, Judge

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LOUISIANA APPELLATE PROJECT
By: Carey J. Ellis, III

Counsel for Appellant

R. CHRISTOPHER NEVILS
District Attorney

Counsel for Appellee

STEVEN D. CREWS
Assistant District Attorneys

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Before DREW, PITMAN and COX, JJ.

PER CURIAM.

This appeal arises from the defendant's conviction and sentence for possession of methamphetamine. A review of the appellate record reveals that the trial court failed to rule on the defendant's motion for new trial prior to sentencing the defendant, in accordance with La. C. Cr. P. art. 853.

Pursuant to La. C. Cr. P. art. 853, the trial court is required to rule on a defendant's motion for new trial prior to sentencing. Failure to do so requires the sentence to be vacated and the matter remanded for further proceedings. *State v. Randolph*, 409 So. 2d 554 (La. 1981); *State v. Jackson*, 614 So. 2d 783 (La. App. 2 Cir. 1993); *State v. Thomas*, 50,085 (La. App. 2 Cir. 5/1/15), 166 So. 3d 379.

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 may appeal any adverse rulings or any sentence subsequently imposed. *State v. Jackson, supra*; *State v. Thomas, supra*.

In addition, given the foregoing, appellate defense counsel's motion to withdraw is hereby denied as moot.