

Judgment rendered September 21, 2011.

NO. 46,552-KA

PER CURIAM

COURT OF APPEAL  
SECOND CIRCUIT  
STATE OF LOUISIANA

\* \* \* \* \*

STATE OF LOUISIANA

Appellee

versus

WILLIAM DAVID BURTON

Appellant

\* \* \* \* \*

Appealed from the  
First Judicial District Court for the  
Parish of Caddo, Louisiana  
Trial Court No. 110806

Honorable John D. Mosely, Jr., Judge

\* \* \* \* \*

JAMES E. BEAL

Counsel for  
Appellant

CHARLES. R. SCOTT, II  
District Attorney

Counsel for  
Appellee

DALE G. COX  
SUZANNE M. OWEN  
Assistant District Attorneys

\* \* \* \* \*

Before WILLIAMS, DREW and MOORE, JJ.

PER CURIAM.

Defendant William Burton was charged with armed robbery and aggravated burglary subsequent to a Caddo Parish home invasion committed on March 19, 1979. The case was tried before a jury in February 1980, but the defendant fled during the course of the trial. The jury convicted Burton of both offenses *in absentia*.

Burton was a fugitive for 30 years; the next entry in the appellate record is in 2010. In December 2010, the trial court sentenced Burton to serve maximum consecutive sentences, and Burton appealed his convictions and sentences to this Court.

During the pendency of this appeal, Burton died. His counsel filed a motion to vacate his convictions, and this Court directed the prosecutor to respond to that motion. In its response, the prosecutor agreed that Burton's convictions should be vacated.

Therefore, 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. Morris*, 328 So. 2d 65, 67 (La. 1976), the judgment of conviction is vacated and all proceedings in this prosecution are abated from their inception.

JUDGMENT OF CONVICTION VACATED.