

Judgment rendered February 27, 2014.
Application for rehearing may be filed
within the delay allowed by art. 922,
La. C. Cr. P.

No. 49,030-KA

PER CURIAM

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

ELVRON LESERE MARTIN

Appellant

* * * * *

Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 286,661

Honorable Craig Marcotte, Judge

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LEE HARVILL LAW FIRM
By: Douglas Lee Harville

Counsel for
Appellant

CHARLES REX SCOTT
District Attorney

Counsel for
Appellee

JASON BROWN
Assistant District Attorney

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Before STEWART, DREW and GARRETT, JJ.

NOT DESIGNATED FOR
PUBLICATION. Rules 2-16.2 and 2-
16.3, Uniform Rules, Courts of Appeal

PER CURIAM

Our error patent review reveals, and the state concedes, the prematurity of this appeal caused by the trial court's failure to rule on the defendant's motions for new trial and post-verdict judgment of acquittal.

On October 21, 2010, the defendant was convicted of distribution of marijuana. The defendant's trial counsel timely filed motions for new trial and post-verdict judgment of acquittal on December 16, 2010. Thereafter, on June 20, 2011, pursuant to a plea agreement, the defendant pled guilty to being a second-felony habitual offender and was sentenced to 15 years at hard labor to be served without the benefit of probation or suspension of sentence. The record does not indicate that the trial court ruled on the defendant's post-trial motions prior to sentencing the defendant.

Accordingly, the sentence imposed is hereby set aside and vacated and the matter is remanded to the trial court for further proceedings. The defendant may appeal any adverse rulings or any sentence. *State v.*

Jackson, 614 So. 2d 783 (La. App. 2d Cir. 1993).