

Judgment rendered May 28, 2015.
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C.Cr.P.

No. 50,165-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

BOBBY RAY DANIEL, JR.

Appellant

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Appealed from the
Fourth Judicial District Court for the
Parish of Ouachita, Louisiana
Trial Court No. 12F0262

Honorable Scott Leehy, Judge

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EDWARD JOHN MARQUET

Counsel for
Appellant

JERRY L. JONES
District Attorney

Counsel for
Appellee

NEAL GLEN JOHNSON
GEORGE M. CAMPBELL, JR.
Assistant District Attorneys

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Before DREW, PITMAN & GARRETT, JJ.

PER CURIAM.

Bobby Ray Daniel, Jr. has appealed from his conviction by guilty plea to one count of aggravated incest and sentence of 75 years at hard labor, with the first 25 years to be served without benefit of parole, probation or suspension of sentence.

The trial court has recognized that the sentence imposed is in excess of the maximum sentence that the defendant agreed to when he pled guilty, and the trial court has announced its intention to resentence the defendant in order to make the sentence conform with the plea agreement. Accordingly, the defendant's sentence is hereby vacated 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*, 614 So. 2d 783 (La. App. 2d Cir. 1993).

**SENTENCE VACATED; REMANDED FOR FURTHER
PROCEEDINGS.**