

Judgment rendered June 27, 2018.
Application for rehearing may be filed
within the delay allowed by Art. 992,
La. C. Cr. P.

No. 51,478-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

WILLIAM ROSE, SR.

Appellant

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Appealed from the
Fourth Judicial District Court for the
Parish of Ouachita, Louisiana
Trial Court No. 13-F-2291

Honorable Scott Leehy, Judge

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LOUISIANA APPELLATE PROJECT
By: Annette F. Roach

Counsel for Appellant

ROBERT S. TEW
District Attorney

Counsel for Appellee

MICHELLE ANDERSON THOMPSON
Assistant District Attorney

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Before MOORE, PITMAN, and COX, JJ.

PER CURIAM.

On July 7, 2016, the defendant, William Rose, Sr., pled guilty to driving while intoxicated, fourth-offense. On September 7, 2016, he was sentenced to serve 22 years at hard labor. The defendant appealed his conviction and sentence to this court.

On August 9, 2017, this court stayed the appeal and remanded the case for an additional *Boykin* hearing.

On May 25, 2018, during the pendency of his appeal, the defendant died. Defendant's counsel filed a motion to vacate the defendant's judgment of conviction and abate all proceedings in this prosecution from their inception.

The previously-issued stay is hereby lifted; and, 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. Hamilton*, 370 So. 2d 874 (La. 1979); the judgment of conviction is vacated, and all proceedings in this prosecution are abated from their inception.