

Judgment rendered July 21, 2021.

No. 54,172-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

JAMES CODY MCMAHON

Appellant

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Appealed from the
Fourth Judicial District Court for the
Parish of Ouachita, Louisiana
Trial Court No. 19CR4712

Honorable Hamilton Stephens Winters, Judge

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LOUISIANA APPELLANT PROJECT
By: Edward Kelly Bauman

Counsel for Appellant

Robert Stephen Tew
District Attorney

Counsel for Appellee

Justin A. Wooley
Assistant District Attorney

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Before STEPHENS, THOMPSON, and HUNTER, JJ.

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

PER CURIAM.

This appeal arises from the defendant's conviction and sentence for unlawful use of a social networking site. A review of the appellate record reveals that the trial court failed to rule on the defendant's motion for post-verdict judgment of acquittal (filed on July 1, 2020) and motion in arrest of judgment (filed on July 2, 2020) prior to sentencing the defendant, in accordance with La. C. Cr. P. arts. 821 and 861.

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*, 614 So. 2d 783 (La. App. 2 Cir. 1993); *State v. Whitaker*, 51,632 (La. App. 2 Cir. 5/25/17), 225 So. 3d 524.