

Judgment rendered November 9, 2023.

No. 55,584-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

JOSEPH LEE SMITH

Appellant

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Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 381,969

Honorable John D. Mosely, Jr., Judge

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LOUISIANA APPELLATE PROJECT
By: Peggy J. Sullivan

Counsel for Appellant

JAMES E. STEWART, SR.
District Attorney

Counsel for Appellee

MEKISHA SMITH CREAL
Assistant District Attorney

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Before PITMAN, 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 convictions and sentences for manslaughter, aggravated battery, and obstruction of justice. 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 and on the defendant's motion for new trial prior to sentencing the defendant, in accordance with La. C. Cr. P. arts. 821 and 853.

Accordingly, the defendant's sentences are 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 sentences 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.