

Judgment rendered July 18, 2007.
Application for rehearing may be filed
within the delay allowed by art. 922,
La. C. Cr. P.

No. 42,508-KA

**COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA**

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STATE OF LOUISIANA

Appellee

versus

JOHNNY RAY JOHNSON

Appellant

* * * * *

**Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 248,502**

Honorable Scott J. Crichton, Judge

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JAMES E. BEAL

**Counsel for
Appellant**

**PAUL J. CARMOUCHE
District Attorney**

**Counsel for
Appellee**

**BRADY O'CALLAGHAN
Assistant District Attorney**

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Before GASKINS, PEATROSS and MOORE, JJ.

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

PER CURIAM

This appeal arises from the First Judicial District Court, Parish of Caddo. Our error patent review reveals, and the state concedes, the prematurity of this appeal caused by the trial court's failure to rule on a motion for post-verdict judgment of acquittal.

On June 22, 2006, the jury convicted defendant of possession of Schedule II CDS. On September 12, 2006, the trial court sentenced as a fourth felony offender to life imprisonment without benefit of probation or suspension of sentence.

The record is silent as to whether the trial court has ruled on the motion for post-verdict judgment of acquittal. The appellant's trial counsel filed this motion on June 27, 2006. (See R. p. 72.)

The sentence imposed is hereby vacated and the matter is remanded to the trial court for further proceedings, which include ruling on the motion for post-verdict judgment of acquittal and a new sentencing hearing. The appellant's right to appeal any adverse rulings or any sentence subsequently imposed is hereby reserved. *State v. Jackson*, 614 So. 2d 783 (La. App. 2d Cir. 1993)

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