

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2014 KW 1150

VERSUS

KELLY COCKERHAM

OCT 06 2014

---

In Re: Kelly Cockerham, applying for supervisory writs, 18th  
Judicial District Court, Parish of West Baton Rouge,  
Nos. 103430 & 111967.

---

**BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.**

**WRIT GRANTED.** On appeal, this Court vacated relator's habitual offender sentence, pretermitted consideration of the remaining four assignments of error, and remanded for further proceedings. Additionally, in the appeal, we noted that in the event of an unfavorable ruling on the motion, this Court reserved for relator his right to appeal again. See **State v. Cockerham**, 2012-0465 (La. App. 1st Cir. 11/14/12), 111 So.3d 384, 384-85. Our records do not indicate that relator filed an appeal after resentencing. Relator has a constitutional right to have the pretermitted issues in the original appeal considered. See **State v. Simmons**, 390 So.2d 504, 506 (La. 1980). Accordingly, this matter is remanded for the trial court to enter an order for an out-of-time appeal, to set a lodging date, and, if appropriate, to appoint counsel to represent relator on appeal. See **State v. Counterman**, 475 So.2d 336, 339 (La. 1985).

PMc  
TMH  
VGW

COURT OF APPEAL, FIRST CIRCUIT



---

DEPUTY CLERK OF COURT  
FOR THE COURT