

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

**05-104
consolidated with 05-36**

STATE OF LOUISIANA

VERSUS

JOEL R. MCDONALD

**APPEAL FROM THE
SEVENTH JUDICIAL DISTRICT COURT,
PARISH OF CATAHOULA, NOS. 03-735 and 03-816,
HONORABLE LEO BOOTHE, DISTRICT JUDGE**

**MICHAEL G. SULLIVAN
JUDGE**

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Michael G. Sullivan, and Elizabeth A. Pickett, Judges.

**AFFIRMED IN PART, REVERSED IN PART,
AND REMANDED WITH INSTRUCTIONS.**

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SULLIVAN, Judge.

For the reasons assigned in the companion and consolidated case, *State v. Dustin K. Runyon*, 05-36 (La.App. 3 Cir. __/__/05), ___ So.2d ___, Defendant McDonald's convictions are affirmed. His sentence for second degree murder is affirmed, but his sentence for attempted second degree murder is vacated, and the case remanded for re-sentencing. The trial court is instructed that the entirety of the sentence imposed for attempted second degree murder must be served without benefit of parole, probation, or suspension of sentence.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED WITH INSTRUCTIONS.