

NOT DESIGNATED FOR PUBLICATION

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

08-1201

STATE OF LOUISIANA

VERSUS

JOSEPH ANTHONY ROMERO

**APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT,
PARISH OF IBERIA, NO. 07-394
HONORABLE EDWARD M. LEONARD, JR., DISTRICT JUDGE**

**JIMMIE C. PETERS
JUDGE**

Court composed of Oswald A. Decuir, Jimmie C. Peters, and Marc T. Amy, Judges.

REVERSED AND REMANDED.

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PETERS, J.

A six-person jury convicted the defendant, Joseph Anthony Romero, of unauthorized use of a motor vehicle, a violation of La.R.S. 14:68.4, and of aggravated flight from an officer, a violation of La.R.S. 4:108.1. The trial court initially sentenced the defendant to serve ten years at hard labor on the first conviction and two years at hard labor on the second. Thereafter, the State of Louisiana filed a bill of information charging the defendant as an habitual offender pursuant to La.R.S. 15:529.1. After a hearing, the trial court found the defendant to be a fourth felony offender, vacated the previously imposed sentences, and sentenced him to seventy years at hard labor. The defendant has appealed this adjudication and sentence, and for the following reasons, we reverse the habitual offender adjudication, vacate the sentence, and remand the matter to the trial court for further proceedings.

In a separate appeal, *State v. Romero*, 08-1102 (La.App. 3 Cir. ___/___/09), ___ So.2d ___, the defendant contested the validity of the convictions of unauthorized use of a motor vehicle and of aggravated flight from an officer. In that appeal, we concluded that the record before us required reversal of those convictions and remanded that case to the trial court for further proceedings. Because we reversed the defendant's convictions for the underlying offenses, we must also reverse the habitual offender adjudication that was based on them.

DISPOSITION

For the foregoing reasons, we reverse the defendant's habitual offender adjudication, vacate the sentence imposed, and remand the matter to the trial court for further proceedings consistent with this opinion.

REVERSED AND REMANDED.

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