

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

11-1111

STATE OF LOUISIANA

VERSUS

LARRY J. MCKITHERN

**APPEAL FROM THE
FOURTEENTH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU, NO. 25391-09
HONORABLE CLAYTON DAVIS, DISTRICT JUDGE**

**ULYSSES GENE THIBODEAUX
CHIEF JUDGE**

Court composed of Ulysses Gene Thibodeaux, Chief Judge, Sylvia R. Cooks, and Elizabeth A. Pickett, Judges.

**CONVICTIONS AFFIRMED. HABITUAL
ADJUDICATION VACATED; REMANDED.**

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THIBODEAUX, Chief Judge.

For the reasons expressed in *State v. McKithern*, 11-1402 (La.App. 3 Cir ___/___/12), ___So.3d ___, this court affirms Larry J. McKithern's convictions, vacates McKithern's adjudication and sentences as a habitual offender, and remands the matter for further proceedings to determine McKithern's habitual offender status and for resentencing. The trial court is instructed to notify McKithern of the provisions of La.Code Crim.P. art. 930.8 at resentencing.

**CONVICTIONS AFFIRMED. HABITUAL ADJUDICATION
VACATED; REMANDED.**