

NOT DESIGNATED FOR PUBLICATION

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

17-607

STATE OF LOUISIANA

Plaintiff-Appellee

VERSUS

**PHILLIP ANDREW SCHANE
aka PHILLIP SCHANE**

Defendant-Appellant

**APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF IBERIA, NO. 22973
HONORABLE PAUL J. DEMAHY, JUDGE**

**SHANNON J. GREMILLION
JUDGE**

Court composed of Shannon J. Gremillion, Phyllis M. Keaty, D. Kent Savoie,
Judges.

APPEAL STAYED.

**Robert Vines
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COUNSEL FOR APPELLEE:
State of Louisiana**

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COUNSEL FOR APPELLANT:
Phillip Andrew Schane
aka Phillip Schane

Gremillion, Judge.

On February 21, 1980, Defendant-Appellant entered a plea of guilty to the lesser charge of second degree murder, a violation of La.R.S. 14:30.1, and was sentenced to life imprisonment without the benefit of probation, parole, or suspension of sentence.

On October 24, 2016, Defendant-Appellant filed a motion to correct an illegal sentence with the trial court. On November 16, 2016, an evidentiary hearing was held on Defendant-Appellant's motion to correct an illegal sentence; thereat, the trial court denied Defendant-Appellant's motion to correct an illegal sentence.

On January 12, 2017, Defendant-Appellant filed a "MOTION TO RECONSIDER SENTENCE" with the trial court. The trial court denied Defendant-Appellant's motion to reconsider sentence on January 17, 2017.

On February 17, 2017, Defendant-Appellant filed a "NOTICE OF INTENTION TO APPLY FOR SUPERVISORY WRITS AND MOTION FOR RETURN DATE" regarding the trial court's denial of the motion to reconsider sentence. On March 2, 2017, the trial court granted Defendant-Appellant's notice of intent with a return date of April 17, 2017.

On March 13, 2017, Defendant-Appellant filed a "PETITION FOR SUPERVISORY WRITS TO REVIEW" with this court seeking review of the trial court's denial of the motion to reconsider sentence. *See State v. Schane*, 17-247. On April 5, 2017, this court transferred the writ application in docket number 17-247 to the Louisiana Supreme Court. Said writ application is pending before the supreme court. *See State v. Schane*, 2017 - KP – 582.

On February 13, 2017, Defendant-Appellant filed a “NOTICE OF APPEAL” and a “MOTION FOR APPOINTMENT OF APPELLATE COUNSEL” with the trial court regarding the trial court’s denial of the motion to reconsider sentence. On February 21, 2017, the trial court granted Defendant-Appellant’s notice of appeal with a return date of April 7, 2017, and appointed the Louisiana Appellate Project as Defendant-Appellant’s counsel of record.

On June 29, 2017, this court lodged the appeal record for this case. On July 11, 2017, this court issued a rule to show cause why the appeal should not be stayed pending action by the supreme court in *Schane*, 2017 - KP – 582 as the appeal before this court and the writ before the supreme court involve the same judgment. On July 24, 2017, Defendant-Appellant’s counsel filed a brief in response to this court’s rule to show cause. Defendant-Appellant’s counsel responded, acknowledging that “this matter should be stayed pending a ruling by the Louisiana Supreme Court.” Accordingly, this court hereby stays the appeal in this case pending action by the supreme court in *Schane*, 2017 - KP – 582.

APPEAL STAYED.