

NOT DESIGNATED FOR PUBLICATION

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

17-607

STATE OF LOUISIANA

VERSUS

**PHILLIP ANDREW SCHANE
A/K/A PHILLIP SCHANE**

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

**SHANNON J. GREMILLION
JUDGE**

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

STAY LIFTED. APPEAL MOOT.

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Gremillion, Judge.

On March 13, 2017, Defendant, Phillip Andrew Schane, filed a writ application with this court seeking review of the trial court's January 17, 2017 denial of his motion to reconsider sentence. On April 5, 2017, this court transferred that writ application to the Louisiana Supreme Court. *State v. Schane*, 17-247.

On June 29, 2017, this appeal was lodged. In his notice of appeal, Defendant listed several sentencing errors, including the denial of the motion to reconsider sentence addressed in the writ application transferred to the supreme court. Because the appeal involved issues being considered by the supreme court, the appeal proceedings were stayed. *State v. Schane*, 17-607 (La.App. 3 Cir. 9/27/17) (unpublished opinion).¹

On April 6, 2018, the supreme court vacated Defendant's sentence and remanded the matter to the Sixteenth Judicial District Court for further proceedings consistent with the views expressed in *State v. Montgomery*, 13-1163 (La. 6/28/16), 194 So.3d 606, and for resentencing pursuant to La.Code Crim.P. art. 878.1. *State v. Schane*, 17-582 (La. 4/6/18), 239 So.3d 286, *clarified on rehearing*, 17-582 (La. 6/1/18), 244 So.3d 433.

The supreme court has taken action on Defendant's writ application. Accordingly, the stay issued on September 27, 2017, is lifted. Furthermore, the supreme court vacated Defendant's sentence, necessitating no further action by this court on Defendant's appeal. Defendant's appeal is, therefore, moot.

STAY LIFTED. APPEAL MOOT.

¹2017 WL 4280781.