

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**  
**COURT OF APPEAL, THIRD CIRCUIT**  
**21-214**

**STATE OF LOUISIANA**

**VERSUS**

**ROBERT LEE SARGENT**

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APPEAL FROM THE  
FOURTEENTH JUDICIAL DISTRICT COURT  
PARISH OF CALCASIEU, NO. 21457-15  
HONORABLE RONALD F. WARE, DISTRICT JUDGE

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**BILLY H. EZELL**  
**JUDGE**

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Court composed of Elizabeth A. Pickett, Billy H. Ezell, and Jonathan W. Perry, Judges.

**CONVICTION AND SENTENCE  
VACATED; PROSECUTION ABATED  
FROM INCEPTION.**

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**COUNSEL FOR DEFENDANT/APPELLANT:**  
**Robert Lee Sargent**

**Ezell, Judge.**

Defendant, Robert Lee Sargent, was charged by bill of information filed on August 28, 2015, with crime against nature by incest, a violation of La.R.S. 14:89, and aggravated crime against nature by incest, a violation of La.R.S. 14:89.1. On October 22, 2018, count one was nolle prossed, and Defendant entered a no contest plea to the amended charge of crime against nature by sexual battery. On February 20, 2019, Defendant was sentenced to twenty-five years at hard labor without benefit of probation, parole, or suspension sentence to run concurrently with the sentence imposed in trial court docket number 26248-15 and consecutively to that imposed in trial court docket number 22641-15.

Defendant filed a “Pro Se Motion for Out-of-Time Appeal,” which was granted by the trial court on October 20 2020. The record was lodged with this court on March 31, 2021.

On May 1, 2021, Defendant died. As a result of Defendant’s death, his counsel filed a “Notice of Death of Client, Motion to Vacate the Judgment or Conviction and Abate Prosecution *Ab Initio*” on June 3, 2021. Defendant’s counsel provided this Court with a “Fact of Death Letter,” which “shall constitute proof of death for all purposes.” La.R.S. 44:19(E)(1).

Defense counsel’s motion cites *State v. Harvey*, 94-343 (La. 10/20/94), 644 So.2d 371; *State v. McClow*, 364 So.2d 566 (La.1978); *State v. Morris*, 328 So.2d 65 (La.1976); and *State v. Burton*, 46,552 (La.App. 2 Cir. 9/21/11), 74 So.3d 253, in support of her assertion that the conviction and sentence should be vacated and the proceedings abated from their inception. Examination of the law and cited jurisprudence confirms that relief is due based on the facts in this case.

Accordingly, Defendant's conviction and sentence are vacated, and all proceedings in this prosecution are abated from their inception.

**CONVICTION AND SENTENCE VACATED; PROSECUTION  
ABATED FROM INCEPTION.**