

SUPREME COURT OF LOUISIANA

No. 07-KP-0860

STATE OF LOUISIANA

v.

ROBERT WAGNER, JR.

On Writ of Certiorari to the
Third Circuit Court of Appeal

PER CURIAM:

Granted. The judgment of the Third circuit dismissing relator's appeal and remanding the case to the district court for further proceedings pursuant to State v. Counterman, 475 So.2d 336 (La. 1985), is vacated, and this case is remanded to the court of appeal to address relator's appeal on the merits. Given the trial court's granting of relator's motion for appeal and designation of record and the state's failure to complain about any procedural irregularities in granting the appeal, dismissal of the appeal and a remand to the district court to cure any defects under this Court's Counterman decision would only prolong the delay without serving any useful purpose.