

Judgment rendered December 19, 2001.  
Application for rehearing may be filed  
within the delay allowed by Art. 922,  
La. C.Cr.P.

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**On Remand**

\* \* \* \* \*

No. 33,971-KA

COURT OF APPEAL  
SECOND CIRCUIT  
STATE OF LOUISIANA

\* \* \* \* \*

STATE OF LOUISIANA

Appellant

versus

CLYDE DUNCAN

Appellee

\* \* \* \* \*

**On Remand from the  
Louisiana Supreme Court**

Originally Appealed from the  
Sixth Judicial District Court for the  
Parish of Madison, Louisiana  
Trial Court No. 76908

Honorable Charles R. Brackin, Judge  
Honorable Michael E. Lancaster, Judge  
Honorable John R. Joyce, Judge Pro Tempore

\* \* \* \* \*

FREDERICK A. DUHY, JR.  
Assistant Attorney General

Counsel for Appellant

RICHARD IEYOUB  
Attorney General

SAMUEL THOMAS, ESQ.

Counsel for Appellee

\* \* \* \* \*

Before NORRIS, BROWN and CARAWAY, JJ.

PER CURIAM.

The Louisiana Supreme Court has remanded this case for reconsideration of our prior ruling in view of this court's later *en banc* ruling in *State v. Oliver*, 34,292 (La. App. 2d Cir. 5/9/01), 786 So.2d 317. Based upon the ruling of the court in *Oliver*, the judgment of the trial court granting the defendant's motion to quash is hereby reversed and the case is remanded to the district court for trial.

**REVERSED AND REMANDED.**