

**SUPREME COURT OF LOUISIANA**

**No. 2017-K-1984**

**STATE OF LOUISIANA**

**VS.**

**MARTIN G. LEMOINE**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,  
FIRST CIRCUIT, PARISH OF POINTE COUPEE**

**CRICHTON, J.**, would grant and assign reasons:

While it appears defendant committed the crime of theft, as I noted previously in my dissent to *State v. Lemoine*, 15-1120 (La. 5/3/17), 222 So.3d 688, even the precise amount of that theft cannot be ascertained beyond a reasonable doubt based upon the evidence presented by the State. Therefore, I would grant the defendant's application and enter an order of acquittal.