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SUPREME COURT OF LOUISIANA

No. 05-KA-1981

STATE OF LOUISIANA

v.

PATRICK KENNEDY

Appeal from the 24th Judicial District Court
Parish of Jefferson
Honorable Ross LaDart, Judge,

PER CURIAM:

On remand from the United States Supreme Court, Kennedy v. Louisiana, ___ U.S. ___, 128 S.Ct. 2641, 171 L.Ed.2d 929, and in light of the Supreme Court's holding that even in cases involving the rape of a child, "[a]s it relates to crimes against individuals . . . the death penalty should not be expanded to instances where the victim's life was not taken," id., ___ U.S. at ___, 128 S.Ct. at 2659, which effectively sets aside defendant's death sentence, we are constrained to grant defendant's present motion and to remand this case to the 24th Judicial District Court for the resentencing of defendant to life imprisonment at hard labor without benefit of parole, probation or suspension of sentence.