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SUPREME COURT OF LOUISIANA

No. 2017-KO-1951

STATE OF LOUISIANA

versus

CHADWICK MCGHEE

**ON WRIT OF CERTIORARI TO THE THIRD CIRCUIT
COURT OF APPEAL, PARISH OF AVOYELLES**

PER CURIAM:

Writ granted. Defendant, charged with second degree kidnapping, was found guilty of simple kidnapping. This court determined in *State v. Price*, 17-K-0520 (La. 6/27/18), — So.3d —, that guilty of simple kidnapping is not responsive to a charge of second degree kidnapping. In addition, the return of a nonresponsive verdict constitutes an error patent reviewable even in the absence of a defense objection. La.C.Cr.P. 920; *State v. Mayeux*, 498 So.2d 701, 703 (La. 1986); *State v. Thibodeaux*, 380 So.2d 59 (La. 1980); *State v. Vincent*, 387 So.2d 1097 (La. 1980). Therefore, we grant the application to remand to the court of appeal to reconsider its affirmance of defendant's conviction in light of *State v. Price*.

REMANDED