

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2007 KA 1668

STATE OF LOUISIANA

VERSUS

MARK ELLIS REDMAN

Judgment Rendered:

MAY - 2 2008

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Appealed from the
Thirty-Second Judicial District Court
In and for the Parish of Terrebonne
State of Louisiana
Trial Court Number 443,650

Honorable Timothy C. Ellender, Judge Presiding

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Joseph L. Waitz, Jr.
District Attorney

Counsel for Appellee,
State of Louisiana

Ellen Daigle Doskey
Assistant District Attorney
Houma, LA

Bertha M. Hillman
Thibodaux, LA

Counsel for Defendant/Appellant,
Mark Ellis Redman

* * * * *

BEFORE: WHIPPLE, GUIDRY AND HUGHES, JJ.

Handwritten signatures:
JLW
ED
BHW

GUIDRY, J.

The defendant, Mark Ellis Redman, was charged by bill of information with four counts of looting, violations of La. R.S. 14:62.5. The defendant entered a plea of not guilty. The trial court denied the defendant's motion to suppress his confessions and/or statements. The defendant withdrew his not guilty plea and entered a plea of guilty as charged as to each count. The trial court sentenced the defendant to twelve years imprisonment at hard labor on each count, to be served concurrently. The defendant now appeals, arguing that the trial court erred in denying the motion to suppress his confessions and/or statements. For the following reasons, we affirm the convictions and sentences.

STATEMENT OF FACTS

As the defendant entered guilty pleas in the instant case, the facts of the offenses are not fully developed. The following statement of facts is based on the bill of information and testimony presented during the motion to suppress hearing. On or about September 16, 2004, Detective Cody Voisin and Detective Lieutenant Thomas Cope of the Terrebonne Parish Sheriff's Office responded to the report of a burglary of the home of Dawn Gautreaux that took place after the home was evacuated during the course of a storm. A bill of sale bearing the defendant's name was located under the carport of the residence. The detectives located and transported the defendant to the sheriff's office for questioning. After being advised of and waiving his rights, including the execution of a waiver of rights form, the defendant gave a statement regarding the burglary.

After the detectives discovered that other evacuated homes had been burglarized, a second interview of the defendant was conducted at the Terrebonne Parish Criminal Justice Complex of Ashland Jail. The defendant was again advised of his rights and a second waiver of rights form was executed.

During the motion to suppress hearing, the defendant testified that he used crack cocaine and consumed alcoholic beverages on the date of the offenses and arrest. Further, during the hearing the defendant admitted to breaking into two residences and two sheds. The defendant admitted to stealing a gun out of one of the homes in order to exchange it for crack cocaine. When asked about the other residences, the defendant stated, "I was just looking for anything quick to take, anything to sell for dope."

ASSIGNMENT OF ERROR

In the sole assignment of error, the defendant contends that the trial court erred in denying the motion to suppress his confessions and/or statements. The defendant argues that due to his drug use, alcohol consumption, and the totality of the circumstances, his statements were not made knowingly, willingly, or freely and voluntarily.

DISCUSSION

At the outset, we note that the defense counsel objected to the ruling on the motion to suppress, but did not, at the time of entering the guilty plea, expressly reserve the right to have the denial of the motion reviewed on appeal. Under both state and federal jurisprudence, an unqualified plea of guilty waives all non-jurisdictional defects occurring prior thereto, and precludes review thereof either by appeal or by post-conviction remedy. State v. Crosby, 338 So.2d 584, 588 (La. 1976). When the defendant, at the time of entering a guilty plea, expressly stipulates that he does not waive his right to the review of a non-jurisdictional pre-plea ruling, the appellate court will review that ruling. State v. Moore, 420 So.2d 1099, 1100 (La. 1982).

In the Boykin¹ colloquy, the defendant unconditionally admitted his guilt and never once mentioned any intent to appeal the ruling on the motion to suppress. Under the circumstances, the issue is not preserved for review. State v. Jackson, 597 So.2d 526, 529 (La. App. 1st Cir.), writ denied, 599 So.2d 315 (La. 1992); State v. Thornton, 521 So.2d 598, 600 (La. App. 1st Cir.), writ denied, 530 So.2d 85 (La. 1988). For the above reasons, this assignment of error is not subject to appellate review.

CONVICTIONS AND SENTENCES AFFIRMED.

¹ Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969).