

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA \* NO. 2013-KA-0300  
VERSUS \*  
ANTHONY HOOKFIN \* COURT OF APPEAL  
\* FOURTH CIRCUIT  
\* STATE OF LOUISIANA  
\* \* \* \* \*

APPEAL FROM  
ST. BERNARD 34TH JUDICIAL DISTRICT COURT  
NO. 334-954, DIVISION "D"  
Honorable Kirk A. Vaughn, Judge  
\* \* \* \* \*

**Judge Roland L. Belsome**  
\* \* \* \* \*

(Court composed of Judge Terri F. Love, Judge Roland L. Belsome, Judge Sandra Cabrina Jenkins)

John F. Rowley, District Attorney  
34th Judicial District  
Parish of St. Bernard  
Walker H. Drake, Jr.  
Assistant District Attorney  
34th Judicial District, Parish of St. Bernard  
P. O. Box 947  
Chalmette, LA 70044

COUNSEL FOR APPELLEE/STATE OF LOUISIANA

Robert C. Jenkins, Jr.  
631 St. Charles Avenue  
New Orleans, LA 70130

COUNSEL FOR DEFENDANT/APPELLANT

**AFFIRMED**

**MARCH 5, 2014**

Anthony Hookfin<sup>1</sup> was charged with two counts of first degree murder. At arraignment, Mr. Hookfin pled not guilty to each charge. After the filing of numerous pre-trial motions, a hearing on a motion to suppress statement and several continuances, Mr. Hookfin appeared for trial on July 27, 2011. On the morning of trial, a previously unknown eyewitness, Alan Labat, was identified. The defense motioned the trial court to suppress the witness and the trial court denied the motion. Subsequently, Mr. Hookfin pled guilty under *Crosby*<sup>2</sup> to two counts of manslaughter and was sentenced to forty years on each count to be served consecutively.

On appeal, Mr. Hookfin argues that the trial court erred in denying his motion to suppress the testimony of the witness identified on the morning of trial. Mr. Hookfin alleges that the denial of the motion to suppress a surprise eyewitness forced him to take a plea deal rather than go to trial. He is seeking to have the trial

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<sup>1</sup> The Bill of Indictment originally listed the defendant's name as Anthony Hoofkin. On March 31, 2009, the Bill of Indictment was amended to reflect the defendant's name as "Anthony Hookfin, Jr. aka Anthony Hoofkin.

<sup>2</sup> *State v. Crosby*, 338 So.2d 584 (La. 1976).

court's decision reversed and his plea vacated.

Even though Mr. Hookfin refers to Mr. Labat as an undisclosed eyewitness, this case does not present a discovery or untimely disclosure issue. The record in the instant case reveals that the State was first notified about Mr. Labat and his alleged testimony on the morning of trial by a person only identified in the transcript as Ms. Shirley Tank. Ms. Tank conveyed to the Assistant District Attorney, Glenn Diaz, a summary of what Mr. Labat claimed to have witnessed.<sup>3</sup> At that time, Mr. Diaz informed the trial court and the defense about Mr. Labat's existence and potential testimony. Mr. Diaz maintained that neither he nor the police department had met with or interviewed Mr. Labat. Mr. Diaz further informed the trial court that he did not know if he would call Mr. Labat because the State had other witnesses that identified Mr. Hookfin as the perpetrator of the two homicides, including his cousin, Melvin Onidas, who was with him at the time of the incident. In addition to those witnesses, the State had a confession given by Mr. Hookfin.<sup>4</sup>

The trial court is vested with great discretion when ruling on a motion to suppress. *State v. Williams*, 95-1971 (La.App. 4 Cir. 11/16/95), 665 So.2d 112. Consequently, the ruling of a trial judge on a motion to suppress will not be disturbed absent an abuse of that discretion. *State v. Long*, 03-2592, p. 5 (La. 9/9/04), 884 So.2d 1176, 1179, *cert. denied*, 544 U.S. 977, 125 S.Ct. 1860, 161LEd.2d 728 (2005). Based on the record before this Court, there are no grounds asserted that would have warranted the suppression of Mr. Labat as a

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<sup>3</sup> The content of the statement that was relayed to Mr. Diaz is not in the appeal record.

<sup>4</sup> Mr. Hookfin's confession was the subject of an earlier motion to suppress that was denied.

potential witness.<sup>5</sup> Accordingly, we do not find that the trial court erred in its ruling.

Mr. Hookfin also requests that this Court review the record for errors patent. The State suggests that the trial court's notification, "[y]ou have a two year period to seek post-conviction relief[,]” does not satisfy La. C.Cr.P. art. 930.8(C)'s mandate that the trial court inform the defendant of the two-year prescriptive period established by La. C.Cr.P. art. 930.8(A). However, as stated in *State v. McDonald*, 02-2347, p.1 (La. App. 4 Cir. 2/19/03), 841 So.2d 38, 39, La. C.Cr.P. art. 930.8 “contains merely precatory language and does not bestow an enforceable right upon an individual defendant.” Just as in *McDonald*, this Court notes for the defendant “that La. C.Cr.P. art. 930.8 generally requires that the application for post-conviction relief be filed within two years of the finality of a conviction.” *Id.*

For the reasons discussed, Anthony Hookfin's plea and sentences are affirmed.

**AFFIRMED**

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<sup>5</sup> Although Mr. Hookfin asserts that he requested more time to adjust his trial strategy, the record does not indicate that he requested and was denied a continuance.