

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 0327

VERSUS

CRAIG SMITH

MAY 05 2014

In Re: State of Louisiana, applying for supervisory writs,
21st Judicial District Court, Parish of Tangipahoa,
Nos. 1300455 and 1300567.

BEFORE: PETTIGREW, McDONALD AND McCLENDON, JJ.

WRIT GRANTED. The district court's ruling granting the defendant's motion to suppress in part is reversed, and this matter is remanded to the district court for further proceedings. The appointment of counsel by the district court does not give rise to the presumption that a defendant's subsequent waiver of counsel is involuntary and, therefore, any statement given by the defendant should be excluded. See **Montejo v. Louisiana**, 556 U.S. 778, 129 S.Ct. 2079, 173 L.Ed.2d 955 (2009). Accordingly, we find as a matter of law that the trial court erred in granting in part the motion to suppress relator's statement made on November 12, 2012, as the evidence presented at the motion to suppress hearing reflects that relator waived his right to counsel before giving that statement.

JTP
JMM
PMc

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DEPUTY CLERK OF COURT
FOR THE COURT