

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0767

VERSUS

RICHARD MICHAEL DEIDRICH

AUG 19 2019

In Re: State of Louisiana, applying for supervisory writs,
22nd Judicial District Court, Parish of St. Tammany,
No. 577,798.

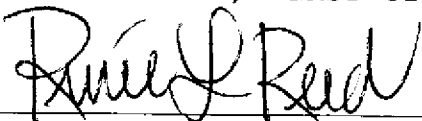
BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

WRIT GRANTED. The trial court erred when it too heavily relied on defendant's expert's opinion regarding his capacity to knowingly and voluntarily waive his right to remain silent. The lower court's grant of defendant's motion to suppress is reversed, and the case is remanded for further proceedings. **State v. Bennett**, 345 So.2d 1129, 1137 (La. 1977); see also **State v. Brown**, 414 So.2d 689, 696 (La. 1982) ("[M]oderate mental retardation and low intelligence or illiteracy do not of themselves vitiate the ability to knowingly and intelligently waive constitutional rights and make a free and voluntary confession.") (citations omitted).

PMc
JEW

Holdridge, J., dissents. The trial court did not abuse its discretion.

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DEPUTY CLERK OF COURT
FOR THE COURT