

Judgment rendered August 15, 2007.  
Application for rehearing may be filed  
within the delay allowed by Art. 922,  
La. C.Cr.P.

NO. 42,312-KA

COURT OF APPEAL  
SECOND CIRCUIT  
STATE OF LOUISIANA

\* \* \* \* \*

STATE OF LOUISIANA

Appellee

versus

ROY LEE WILLIAMS

Appellant

\* \* \* \* \*

Appealed from the  
Thirty-Ninth Judicial District Court for the  
Parish of Red River, Louisiana  
Trial Court No. 99029

Honorable Lewis O. Sams, Judge

\* \* \* \* \*

CAPITAL ASSISTANCE PROJECT  
OF LA, INC.

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\* \* \* \* \*

Before WILLIAMS, DREW and LOLLEY, JJ.

DREW, J., dissents with written reasons.

WILLIAMS, Judge

The defendant, Roy Lee Williams, was charged by grand jury indictment with first degree murder, a violation of LSA-R.S. 14:30, and aggravated kidnapping, a violation of LSA-R.S. 14:44. The defendant entered a plea of guilty to first degree murder, reserving the right to appeal certain pretrial issues pursuant to *State v. Crosby*, 338 So.2d 584 (La. 1976). In return, the state dismissed the remaining charge and agreed to the imposition of a life sentence, reserving the right to seek the death penalty pending the outcome of this appeal. The district court sentenced defendant to serve life imprisonment at hard labor without benefit of parole, probation or suspension of sentence. Defendant appeals his conviction. For the following reasons, we reverse, grant the motion to suppress, vacate the guilty plea and sentence and remand.

### **FACTS**

Mrs. Avis Foster, age 73, was kidnapped from her Coushatta home in the early morning hours of Sunday, February 1, 2004. Her vehicle was stolen and her body was found abandoned in Natchitoches. The victim had been beaten, raped and strangled.

On Tuesday, February 3, 2004, (then Captain, later Chief Deputy) Tracy Scott of the Red River Parish Sheriff's Office received information that the victim's vehicle was located in Alexandria. Captain Scott and Travis Trammell (Chief of Criminal Investigations, Natchitoches Parish Sheriff's Office), who had been jointly assigned to handle the Foster murder investigation, drove to Alexandria to recover the vehicle in furtherance of their investigation. The vehicle's driver, in a subsequent interview, told

police that he rented the car from a person who was later identified as the defendant. Having developed the defendant as a suspect, Captain Scott secured a copy of a parole violation warrant issued for defendant in December 2003. Cpt. Scott requested Rapides authorities to arrest defendant on the outstanding parole warrant. Shortly after 9:00 p.m. that evening, defendant was arrested by Alexandria Police Corporal Carla Whitstine and transported to the police department, where Cpt. Scott and Chief Trammell met with the defendant at approximately 9:25 p.m.

At the initial interview, Chief Trammell advised defendant of his *Miranda* rights both orally and in writing. Scott and Trammell explained that they were investigating the missing vehicle and murder of Mrs. Foster. The defendant refused to waive his rights, and said he needed to talk to a lawyer. At that point, the investigators stopped questioning defendant. Cpl. Whitstine then transferred defendant to the Rapides Parish Jail, booking him on the parole violation warrant. Cpl. Whitstine advised defendant of his *Miranda* rights at the jail, but did not ask him any questions. At midnight, the defendant was transferred to the Natchitoches Detention Center.

On February 4, 2004, the district court issued a warrant for defendant's arrest for unauthorized use of Mrs. Foster's motor vehicle. At 3:30 p.m. that afternoon, Red River Parish Detective Johnny Taylor, accompanied by Natchitoches Parish Sheriff Victor Jones, served the arrest warrant on defendant at the Natchitoches Detention Center. Detective Taylor, who knew defendant personally, stated that they were there to arrest him for unauthorized use of a motor vehicle. After Det. Taylor read

defendant his *Miranda* rights the defendant signed the “Waiver of Rights” form. Sheriff Jones then told defendant that if he wanted to talk with Taylor he needed to make a written request. Defendant prepared a handwritten request to “see Johnny Taylor.” Defendant then admitted taking Mrs. Foster’s car, but denied any involvement in her murder. This statement was not recorded and neither Jones nor Taylor took notes. When Sheriff Jones asked defendant if he would give a written or recorded statement, the defendant responded that he probably would, but only in the presence of an attorney. After this second request for counsel, the interrogation ended.

The next day, February 5, 2004, Louisiana Parole Officer Alvie Myers visited defendant at the Natchitoches Detention Center to serve notice of a preliminary hearing and to advise defendant of the parole violation charges against him. When Myers entered the room, defendant said he wanted to talk about his “situation.” Officer Myers explained that he needed to complete the administrative paperwork first, and then they could talk. After advising defendant of his parole revocation rights and completing the paperwork, Myers asked if he still wanted to talk. When defendant said yes, Myers stated that he first needed to advise defendant of his rights and have him sign an advice of rights form. Myers read defendant his *Miranda* rights and defendant signed a waiver of the rights. Defendant then gave a statement that was factually consistent with the statement he had given to Detective Taylor and Sheriff Jones the previous day.

Defendant then asked Myers if he could speak with Sheriff Jones, who was standing just outside the room. After conferring with Sheriff

Jones, Myers told defendant that he would need to make a written request before Jones would talk with him. The defendant complied with this instruction and a short time later Sheriff Jones met with him. After being Mirandized, defendant made another statement consistent with his prior statements. When Jones asked if he would give a written or recorded statement defendant replied that he probably would, but only with a lawyer. After this third request for an attorney, the interview was terminated.

On February 13, 2004, the defendant was still in custody at the Natchitoches Detention Center without having seen an attorney or being brought before a judge. On that date, Michael Wilson (Assistant Chief Investigator of the Natchitoches Parish Sheriff's Office) was at the jail and stopped at defendant's cell ostensibly to speak with another inmate. While Wilson was there, defendant asked if he could also speak with him. However, Wilson said defendant needed to make a request in writing.

After receiving the defendant's written request, Wilson met with him on February 18, 2004. More than two weeks after his arrest and his first request for a lawyer, the defendant still had not been to court or seen an attorney. Wilson advised defendant of his *Miranda* rights, which he waived. Defendant made yet another statement consistent with all of his prior statements (i.e., he admitted going to the Foster residence and taking her car, but denied killing her). When defendant said he would like to talk further but wanted to speak with an attorney first, the interrogation ceased. On February 24, 2004, Asst. Chief Wilson arrested defendant for first degree murder pursuant to a warrant. Wilson advised defendant of his

*Miranda* rights and defendant chose not to give a statement at that time.

The first hearing of any kind in this matter was held on February 26, 2004. The record indicates that it was a “72-hour hearing” relating to the first degree murder charge. Although there was a notation on the Hearing Report stating “appoint attorney,” there is no documentation that shows the appointment of a lawyer until March 10, 2004, when the Capital Assistance Project of Louisiana was appointed as counsel.

On March 22, 2004, Paula Allen (the mother of defendant's child) spoke with Det. Taylor at the Red River Parish Sheriff's Office, informing him that she had recently visited with defendant and he wanted to talk. Taylor told Allen that defendant would need to make a written request for him to do so. After receiving defendant's written request, Det. Taylor met with him on March 23, 2004. Det. Taylor advised defendant of his *Miranda* rights, which defendant agreed to waive. After some “small talk,” Taylor asked defendant if he had spoken with an attorney. Defendant said he had talked with a lawyer. Taylor then told defendant that he was in a lot of trouble and that the state would seek the death penalty. According to Taylor, the defendant stated that God had forgiven him. When Det. Taylor asked defendant to explain what happened between the time defendant left in Mrs. Foster's vehicle until the next morning, he did not answer. Taylor stated that this interview was not recorded, that he did not take any notes and that he later prepared a report based on his memory of the interview.

Defendant was indicted for first degree murder and aggravated kidnapping. In October 2004, defendant filed a motion to suppress his

inculpatory statements. After a hearing, the district court denied defendant's motion, finding that defendant was advised of his *Miranda* rights before each of the challenged statements, that before giving each statement defendant had made a written request to speak with law enforcement officials and that the statements were free and voluntary.

Subsequently, the defendant entered a *Crosby* plea of guilty to the first degree murder charge. The aggravated kidnapping charge was dismissed and he was sentenced to life imprisonment at hard labor without benefit of parole, probation or suspension of sentence. Defendant appeals, asserting as error the denial of his motion to suppress, the failure to have a 72-hour hearing, and the untimely appointment of counsel.

### **DISCUSSION**

In two assignments of error, the defendant contends the district court erred in denying his motion to suppress all statements made to police after invoking his right to counsel. Defendant argues that his constitutional rights were violated when police interrogated him on five occasions without the benefit of counsel despite his request to see an attorney when he initially spoke with investigators.

The state has the burden of proving that a statement given by a defendant was freely and voluntarily made, not the product of threats, promises, coercion or intimidation. LSA-R.S. 15:451; *State v. Hohn*, 95-2612 (La. App. 4<sup>th</sup> Cir. 1/19/96), 668 So.2d 454. To establish the admissibility of a statement made by an accused in custodial interrogation, the state must prove that the accused was advised of his *Miranda* rights and

that he waived these rights prior to interrogation. *State v. Hohn, supra*.

Regarding requests for counsel, the Louisiana Supreme Court stated in *State v. Hobley*, 98-2460 (La. 12/15/99), 752 So. 2d 771, 788, *cert. denied*, 531 U.S. 839, 121 S.Ct. 102, 148 L.Ed.2d 61 (2000):

[O]nce a suspect in custody expresses a desire, at any stage in the process, to deal with the police only through counsel, all questioning must cease, and the accused may not be subject to further interrogation until counsel has been made available to him, unless he initiates further communication, exchanges or conversation with the police and validly waives his earlier request for counsel. *Edwards v. Arizona*, 451 U.S. 477, 484-85, 101 S.Ct. 1880, 1885, 68 L.Ed.2d 378 (1981); *Miranda*, 384 U.S. at 444-45, 86 S.Ct. at 1612. *Miranda* and *Edwards* are prophylactic rules designed to protect an accused against the inherently compelling pressures of custodial interrogation, whether by police badgering, overreaching or subtle but repeated efforts to wear down an accused's resistance and make him change his mind. *Oregon v. Bradshaw*, 462 U.S. 1039, 1044, 103 S.Ct. 2830, 2834, 77 L.Ed.2d 405 (1983). *Minnick v. Mississippi*, 498 U.S. 146, 111 S.Ct. 486, 112 L.Ed.2d 489 (1990), reaffirmed *Edwards*, stating that "when counsel is requested, interrogation must cease; and officials may not reinitiate interrogation without counsel present, whether or not the accused has consulted with his attorney." *Id.* at 153, 111 S. Ct. at 491. Louisiana adheres to these same principles. When an accused invokes his right to counsel, the admissibility of a subsequent confession or incriminating statement is determined by a two-step inquiry: 1) did the accused initiate further conversation or communication; and 2) was the purported waiver of counsel knowing and intelligent under the totality of the circumstances. *State v. Abadie*, 612 So. 2d 1, 5 (La. 1993).

When an accused asks for counsel, a valid waiver of that right cannot be established by showing only that he responded to further police-initiated, custodial interrogation even if he has been advised of his rights. *Hohn, supra*. The validity of a waiver of rights is determined on a case-by-case basis under the totality of the circumstances. *State v. Coston*, 98-0470 (La. App. 4<sup>th</sup> Cir. 9/16/98), 720 So.2d 714. Moreover, the *Edwards* rule is not

offense specific; once a suspect invokes the *Miranda* right to counsel for interrogation regarding one offense, he may not be re-approached regarding any offense unless counsel is present. *Abadie, supra*.

In the present case, the record shows that defendant invoked his right to counsel during the February 3, 2004 interrogation. Thereafter, the police approached defendant in connection with the criminal investigation without his counsel present. This case raises the issue of whether defendant initiated further communication with investigators before they interrogated him in the absence of counsel.

On February 4, 2004, Det. Taylor and Sheriff Jones approached defendant regarding the Foster murder investigation. Although the investigators purportedly contacted the defendant only to serve a warrant for unauthorized use of a motor vehicle, once the defendant invoked his *Miranda* right to counsel for interrogation for one offense, he could not be further approached regarding any other offense without counsel present. Despite defendant's earlier request for an attorney, the investigators initiated an investigatory encounter with defendant in the absence of counsel. Thus, the state could not establish a valid waiver of *Miranda* rights by defendant, who was responding to police-initiated custodial interrogation.

Similarly, on February 5, 2004, a state probation officer, Alvie Myers, contacted defendant regarding the parole violation charges and important procedural rights of defendant in connection with parole revocation. This meeting, which took place in the absence of counsel, elicited another

statement from defendant and generated his written request to speak with Sheriff Jones. Contrary to the state's contention, defendant's handwritten note was not an initiation of communication with police, but resulted from the state's re-approach during its continuing investigation. Additionally, during the interview defendant repeated his request for an attorney.

Nor did defendant initiate the final two police interviews conducted without the benefit of counsel. On each of these occasions the defendant wrote a "request" to speak with police in response to the instructions of investigators who failed to provide defendant with an attorney and refused to communicate with him by any other method. For example, when Asst. Chief Wilson appeared at his cell on February 13, 2004, defendant still had not seen an attorney despite three previous requests. Wilson instructed the defendant to submit a written note before speaking with him about any matter. At the subsequent meeting, defendant made his fourth request for an attorney after giving a statement.

The circumstances surrounding defendant's March 23, 2004 interview are not clear from the testimony of Det. Taylor, who stated that he was told by Paula Allen that defendant wanted to see him. However, Taylor testified that Sheriff Jones called the Natchitoches Detention Center to instruct defendant to make a written request if he wanted to see Taylor, who knew defendant personally. Thus, defendant's written note was not a spontaneous initiation of communication with police, since it was only after Sheriff Jones re-approached defendant through the phone call, thereby reinitiating the communication and investigation in the absence of counsel and without a

break in custody, that defendant asked to see Det. Taylor.

The evidence presented indicates that in each of the foregoing situations, an investigatory encounter was in progress before defendant responded by writing a note seeking to speak with a certain officer. Thus, defendant did not initiate or reopen the interrogation. The protections afforded in *Edwards* would be rendered meaningless if government agents were permitted to reinitiate interrogation after the request for counsel and then claim that the consequent response by defendant represented “initiation” permitting a waiver of the asserted counsel right. *Abadie, supra*. In addition, the record demonstrates that defendant did not knowingly waive his rights, since on several occasions he repeated his request for an attorney only minutes after signing a form that stated he did not want a lawyer.

After considering the totality of the circumstances of this particular case and applying the principles of *Edwards* and *Abadie*, we must conclude that although the police interrogation stopped after defendant’s initial request for counsel, the investigators reinitiated the custodial interrogation without counsel present on a number of occasions. Thus, defendant’s subsequent requests to talk could not have started the police-initiated interrogation that was already in progress at the time.

Consequently, the statements made by defendant during the interviews conducted in the absence of counsel did not amount to a valid waiver and should have been suppressed as inadmissible evidence. Accordingly, we shall reverse the district court’s denial of defendant’s

motion to suppress and vacate the guilty plea and sentence. In reaching this result, we pretermitted discussion of defendant's remaining assignment of error.

### **CONCLUSION**

For the foregoing reasons, the district court's denial of the motion to suppress defendant's statements is reversed and the motion is hereby granted. The guilty plea is vacated, the sentence is set aside and this case is remanded for further proceedings.

**REVERSED; MOTION TO SUPPRESS GRANTED; GUILTY PLEA AND SENTENCE VACATED; REMANDED.**

**DREW, J., dissenting.**

The majority agrees with defense counsel that since the officers failed to immediately comply with defendant's initial request for counsel, all five of his subsequent inculpatory statements are inadmissible. I disagree. Every single one of the statements about which Williams complains<sup>1</sup> was made only after he himself reinitiated the interrogations.

There is no prohibition against a defendant reinitiating discussions with the police. Nothing in the Fifth or Sixth Amendment precludes a suspect, on his own initiative, and even when charged with a crime and represented by counsel, from choosing to speak with police in the absence of an attorney. The following passage from *State v. Carter*, 94-2859 (La. 11/27/95), 664 So. 2d 367, 378, is illuminating:

Although a defendant may sometimes later regret his decision to speak with police, the Sixth Amendment does not disable a criminal defendant from exercising his free will. To hold that a defendant is inherently incapable of relinquishing his right to counsel once it is invoked would be "to imprison a man in his privileges and call it the Constitution."

Our supreme court set out the general rule in *State v. Hobley*, 98-2460 (La. 12/15/99), 752 So. 2d 771, *U.S. cert. denied*. The majority quotes this portion of *Hobley*:

[O]nce a suspect in custody expresses a desire, at any stage in the process, to deal with the police only through counsel, all questioning must cease, and the accused may not be subject to further interrogation until counsel has been made available to him, **unless he initiates further communication, exchanges or conversation with the police and validly waives his earlier request for counsel.** *Edwards v. Arizona*, 451 U.S. 477, 484-85, 101 S. Ct. 1880, 1885, 68 L. Ed. 2d 378 (1981);

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<sup>1</sup> At the suppression hearing, Williams did not avail himself of the benefits conferred in La. C. Cr. P. art. 703(E)(1).

*Miranda*, 384 U.S. at 444-45, 86 S. Ct. at 1612. *Miranda* and *Edwards* are prophylactic rules designed to protect an accused against the inherently compelling pressures of custodial interrogation, whether by police badgering, overreaching or subtle but repeated efforts to wear down an accused's resistance and make him change his mind. *Oregon v. Bradshaw*, 462 U.S. 1039, 1044, 103 S. Ct. 2830, 2834, 77 L. Ed. 2d 405 (1983). *Minnick v. Mississippi*, 498 U.S. 146, 111 S. Ct. 486, 112 L. Ed.2d 489 (1990), reaffirmed *Edwards*, stating that “**when counsel is requested, interrogation must cease; and officials may not reinitiate interrogation without counsel present, whether or not the accused has consulted with his attorney.**” Id. at 153, 111 S. Ct. at 491.

Louisiana adheres to these same principles. When an accused invokes his right to counsel, the admissibility of a subsequent confession or incriminating statement is determined by a two-step inquiry: 1) did the accused initiate further conversation or communication; and 2) was the purported waiver of counsel knowing and intelligent under the totality of the circumstances. *State v. Abadie*, 612 So. 2d 1, 5 (La. 1993).

(Our emphasis added.)

The **ultimate finding** by the Supreme Court, however, in *Minnick v. Mississippi*, *supra*, goes much further. *Minnick* concludes with the clear statement that even after a defendant has requested counsel, a waiver of his right to counsel may be found **provided the accused initiated the discussions with authorities**. This is exactly the situation in the instant case.

The facts and cited law in *State v. Hobley*, *supra*, do not support the majority's ruling here – just the opposite. Hobley's statement was admitted because it was made following his initiating contact with officers to discuss the case. Whether Hobley invoked his right to counsel after being arrested in Shreveport by Natchitoches officers was disputed. While incarcerated in the Red River Parish jail, Hobley sent a jail slip indicating he wished to speak with a Red River officer about the murder. The Red River officer

questioned Hobley and contacted a Natchitoches Parish officer, who arrived, administered Miranda warnings, and questioned him. Like Williams, Hobley had previously quizzed officers about what information they possessed about the crime in question. The supreme court stated that “even accepting defendant’s (Hobley’s) testimony that he requested counsel after his arrest in Shreveport, we find that he initiated further communication by making a written request to discuss the crime.” The supreme court found Hobley was not deprived of his rights. The facts in the instant case are much more favorable to the state.

While the confession in *State v. Abadie*, 612 So. 2d 1 (La. 1993), *U.S. cert. denied*, was suppressed, the facts surrounding that confession are totally distinguishable from the facts at hand. After being questioned and stating he wanted to talk to his friend, a local attorney, Abadie was being driven home. The Chief of Criminal Investigations recalled the police car back to the station. There, Abadie was asked to agree to further questioning under polygraph. Abadie again asked to speak to the lawyer friend, who told Abadie he could not advise him. Abadie then requested to speak to a police officer he knew. The Chief continued to try to persuade Abadie to take a polygraph as did the officer who was his friend. After resisting, Abadie ultimately complied.

Nothing of the sort happened to Williams. Like *Hobley*, Williams initiated all his statements. Unlike *Abadie*, no law officer ever reinitiated interrogation of Williams.

In *State v. Taylor*, 01-1638 (La. 1/14/03), 838 So. 2d 729, 739, *U.S.*

*cert. denied*, our supreme court stated that police are not prohibited from reinitiating contact with defendant.

When a defendant exercises his privilege against self-incrimination the validity of any subsequent waiver depends upon whether police have “scrupulously honored” his right to remain silent. Whether police have “scrupulously honored” an accused’s right to silence is determined on a case-by-case basis under the totality of the circumstances. **Factors going into the assessment include who initiates further questioning, although, significantly, police are not barred from reinitiating contact**, (invocation of right to counsel during custodial interrogation has greater protection than invocation of right to remain silent, as police may not thereafter question defendant unless he initiates further contact); whether there has been a substantial time delay between the original request and subsequent interrogation; whether Miranda warnings are given before subsequent questioning; whether signed Miranda waivers are obtained; and, whether the later interrogation is directed at a crime that had not been the subject of the earlier questioning. (Citations omitted.)

(Our emphasis added.)

No witness disputes the facts as outlined by the law officers who testified. No witness alleges that any of the five statements were brought about through pressure, coercion, fraud, deceit, or trickery. No evidence indicates that the police reinitiated any of the five custodial interrogations. This record reflects that the defendant made five knowing and intelligent decisions to discuss the case with the officers. Only law officers testified at the motion to suppress, and nothing can be gleaned from their testimony indicating that the defendant’s statements were not freely and voluntarily made. The trial court heard, saw, and believed the officers, as well as the circumstances surrounding the five inculpatory statements, each of which:

- was strikingly similar in content to the other four statements,

- was not commenced pursuant to any of the law officers' reinstating interrogation,
- was made pursuant to defendant's requests (four in writing) to talk with the officers,
- was preceded by an explanation and waiver of his rights pursuant to *Miranda*,
- was bolstered by sworn testimony that Williams appeared to understand his rights, and
- was terminated, the moment Williams mentioned wanting a lawyer.

This chronology may be helpful:

1. Williams was arrested on a Tuesday evening after 9:00 p.m. under authority of the parole warrant relative to his violations of his parole on his previous forcible rape conviction. He declined to be interviewed without a lawyer, but immediately started peppering the officers about the Foster case.
2. On Wednesday, he was arrested on the arrest warrant issued that morning for the unauthorized use of Mrs. Foster's vehicle. Williams requested to talk about the case, and, after waiving *Miranda*, he did.<sup>2</sup>
3. On Thursday, his parole officer contacted him to explain his rights relative to a preliminary hearing on his parole violation, as required by La. R.S. 15:574.7 and *Morrissey v. Brewer*, 92 S. Ct. 2593 (1972). Williams requested to talk about the case, and, after waiving *Miranda*, he did.
4. Later on Thursday afternoon, pursuant to defendant's written request, Sheriff Jones came to see him. Williams requested to talk about the case, and, after waiving *Miranda*, he did.

In other words, his first three inculpatory statements had all been made within 42 hours of the moment of his arrest for the parole violation, and less than 25 hours after his arrest for unauthorized use of a motor

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<sup>2</sup> Consider this recent holding by the Supreme Court of Florida in a similar case to this one: "*Service of an arrest warrant is a routine police procedure. It does not require any response from a suspect; nor can it be reasonably expected to elicit an incriminating response. Thus, this action does not constitute interrogation, and we affirm the trial court's denial of the motion to suppress on this claim.*" *Everett v. Florida*, 893 So.2d 1278, 29 Fla. L. Weekly S714 (Nov. 23, 2004), *U.S. cert. denied*.

vehicle, and over two weeks before his arrest for first degree murder and aggravated kidnapping. Importantly, these first three inculpatory statements were voluntarily made to law enforcement officers long before the La. C. Cr. P. art. 230.1 delays had run on any offense.

La. C. Cr. P. art. 230.1 was clearly violated relative to the unauthorized use of a motor vehicle prosecution. La. C. Cr. P. art. 230.1 was probably violated relative to the first degree murder and aggravated kidnapping charges, because of the problematic February 26, 2004, 72-hour hearing that occurred two days after his arrest for these two extremely serious crimes. The only sanction, however, for failing to conduct a timely 72-hour hearing on a particular charge is the state's preclusion from holding the defendant under a bail obligation for that particular offense.

Consider that in *State v. Manning*, 03-1982 (La. 10/19/04), 885 So. 2d 1044, the supreme court held that the only remedy for violation of La. C. Cr. P. art. 230.1 is pretrial release. The supreme court rejected Manning's argument that the trial court should have suppressed his subsequent inculpatory videotaped statement based on noncompliance with art. 230.1. *Manning, supra*.

Further consider the language of La. C. Cr. P. art. 230.1(D): ***The failure of the sheriff or law enforcement officer to comply with the requirements herein shall have no effect whatsoever upon the validity of the proceedings thereafter against defendant.***

Moreover, on the second day of his incarceration for his parole violations, defendant admitted all four alleged violations (absconding, use

of drugs, hanging with drug dealers, and, most importantly, the unauthorized use of Mrs. Foster's car). Williams agreed in writing to **remain in jail until the resolution of all pending felony charges**. No matter what happened concerning appointment of a lawyer, the defendant wasn't going anywhere.

The evidence contains no support for the claims by counsel for Williams that the defendant was manipulated by the investigating officers. The only manipulation occurring in this sad and horrific case has been perpetrated by a cowardly, cruel, and violent recidivist named Roy Lee Williams.

The trial court's ruling on the motion to suppress, as well as the conviction and sentence, should have all been affirmed.

With respect, I dissent.