

SUPREME COURT OF LOUISIANA

State v. Cook

82 So. 3d 1239 (La. 2012) · No. 2011-K-2223 · Decided March 23, 2012

SUMMARY

The Supreme Court of Louisiana reversed part of the court of appeal's decision and reinstated the defendant's habitual-offender adjudication and sentence. The court held that the trial court adequately informed the defendant of the habitual-offender allegations and his right to contest them, and that any technical noncompliance with La. R.S. 15:529.1(D)(1)(a) was harmless.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	March 23, 2012
DOCKET	2011-K-2223
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Louisiana Supreme Court granted the state's writ application and reviewed the court of appeal's decision concerning defendant's adjudication and sentencing as a habitual offender.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion
PARTIES	State of Louisiana v. Demond Fitzgerald Cook

TOPICS

- criminal procedure
- sentencing
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- sentencing
- statutory interpretation

QUESTIONS PRESENTED

- Whether the trial court's failure to strictly comply with the requirements of La. Rev. Stat. § 15:529.1(D)(1)(a) rendered Cook's habitual-offender adjudication and sentence invalid.

2. Whether the record established that Cook was informed of the habitual-offender allegations and of his right to contest them before voluntarily stipulating.

HOLDINGS

1. The statutory requirements that the court inform a defendant of the allegations in a habitual-offender bill and of the right to contest their truth should not operate as technical traps; any technical noncompliance was harmless where the record demonstrated that the defendant was fully informed, consulted with counsel, voluntarily stipulated, and had his interests protected.
2. The trial court was entitled to rely on counsel's representations, made in Cook's presence, that she had explained the relevant rights and consequences, together with Cook's personal response and the hearing record, in finding that he knowingly and voluntarily stipulated to the habitual-offender allegations.

KEY QUOTATIONS

“The requirements of R.S. 15:529.1(D)(1)(a) that the court inform a defendant of the allegations in a habitual offender bill of information, and of his right “to be tried as to the truth thereof according to law,” should not serve as technical traps for an unwary but otherwise conscientious judge.” (1240)

“Defendant's interests were fully protected and any technical non-compliance with the statutory directives in R.S. 15:529.1(D)(1)(a) was harmless.” (1241)

FACTUAL BACKGROUND

At the habitual-offender hearing, the trial court reappointed defense counsel after Cook had waived counsel during trial. Counsel represented in Cook's presence that she had reviewed the state's documentary proof of prior convictions with him, explained the consequences of a hearing versus stipulation, and discussed the matter extensively. After the state stated the allegations, introduced documentary proof, and advised that a fingerprint expert was available, Cook personally responded "No" when asked whether the defense had a response and stipulated to his habitual-offender status.

PROCEDURAL HISTORY

At a habitual-offender hearing, Cook, after consulting with reappointed defense counsel, stipulated to the allegations in the habitual-offender bill. The trial court adjudicated and sentenced him as a habitual offender. The court of appeal reversed in part, and the Louisiana Supreme Court reversed that portion of the appellate decision and reinstated the trial court's adjudication and sentence.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court of appeal's decision was reversed in part, and the trial court's adjudication and sentencing of Cook as a habitual offender were reinstated. No further remand instruction is stated.

CASES CITED

- State v. Phillips, 365 So. 2d 1304, 1308 (La. 1979)
- State v. Halsell, 403 So. 2d 688, 692 (La. 1981)
- State v. Brown, 11-1656 (La. 2/10/12), 82 So. 3d 1232

OPINION

PER CURIAM.

82 So. 3d 1239 (2012) STATE of Louisiana v. Demond Fitzgerald COOK. No. 2011-K-2223. Supreme Court of Louisiana. March 23, 2012. *1240 PER CURIAM. Writ granted. The decision of the court of appeal is reversed in part, and the trial court's adjudication and sentencing of defendant as a habitual offender are reinstated.

The requirements of R.S. 15:529.1(D)(1)(a) that the court inform a defendant of the allegations in a habitual offender bill of information, and of his right "to be tried as to the truth thereof according to law," should not serve as technical traps for an unwary but otherwise conscientious judge. It appears from the transcript of the habitual offender hearing that the trial court granted defendant's request and reappointed defense counsel, whose representation he had waived during trial, for purposes of conducting the hearing.

Counsel informed the court that she had reviewed with defendant the state's documentary proof regarding his prior convictions, discussed "the ramifications of a hearing versus stipulating" to the allegations of the habitual offender bill, and that, "after much discussion," defendant had decided to stipulate to his habitual offender status.

The trial court had the right to rely on counsel's assertions made in defendant's presence as an accurate reflection of his intentions. Cf. State v. Phillips, 365 So. 2d 1304, 1308 (La.1979)(valid waiver of jury trial made by counsel in open court in defendant's presence); State v. Halsell, 403 So. 2d 688, 692 (La.1981)(trial court may rely on counsel's representation she had explained defendant's rights to him; any other rule "would tend to undermine the relationship of trust that must necessarily exist between the bench and bar.").

After the state detailed on the record the allegations in the habitual offender bill with respect to defendant's prior convictions and introduced its documentary proof of those convictions, and informed the court that its fingerprint expert was available to confirm defendant's identity as the previously convicted offender, the trial court asked the defense if it, in fact, had any response.

The record indicates that counsel once again conferred with defendant and that he thereafter personally responded, "No." It therefore appears that defendant was fully informed of the allegations in the habitual offender bill and of his right to contest those allegations, with a correlative right to remain silent at the hearing, that he thereafter voluntarily stipulated to the

habitual offender allegations after conferring with counsel, and that the trial court adjudicated him a habitual offender on the basis of not only his stipulation but also the documentary evidence introduced by the state at the hearing.

Defendant's interests were fully protected and any technical *1241 non-compliance with the statutory directives in R.S. 15:529.1(D)(1)(a) was harmless. See *State v. Brown*, 11-1656 (La.2/10/12), 82 So. 3d 1232.