

SUPREME COURT OF LOUISIANA

State v. King

906 So. 2d 395 (La. 2005) · Decided June 24, 2005

SUMMARY

The document concerns whether a stipulation made during a prior judicial disciplinary proceeding constituted a confession subject to suppression in a subsequent criminal prosecution. The opinions discuss Louisiana confession statutes, the voluntariness requirement, and the protection against compelled self-incrimination under *Garrity v. New Jersey*. The dissenting justices would have remanded for an evidentiary hearing regarding whether the stipulation was coerced by the threat of removal or other disciplinary sanctions.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Calogero, Chief Justice; Johnson, Justice; Calogero, Chief Justice; Johnson, Justice
JURISDICTION	Louisiana
DECIDED	June 24, 2005
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Writ application challenging the denial of a motion to suppress a stipulation made during a prior judicial-disciplinary proceeding.
STANDARD OF REVIEW	The dissent considered whether the district court erred in denying suppression without an evidentiary hearing and whether the defendant alleged facts requiring such a hearing under La. C. Cr. P. art. 703(E) (1).
PRECEDENTIAL VALUE	published dissenting opinion; dissenting reasoning is nonbinding
PARTIES	State v. C. Hunter King

TOPICS

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PRACTICE AREAS

[criminal procedure](#) [constitutional law](#) [evidence](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the disciplinary stipulation constituted a confession rather than merely an admission of facts tending to establish guilt under La. Rev. Stat. 15:449.
2. Whether the stipulation was subject to suppression as an involuntary statement under La. Rev. Stat. 15:451 and *Garrity v. State*.
3. Whether the defendant alleged sufficient facts to require an evidentiary hearing on the motion to suppress under La. C. Cr. P. art. 703(E)(1).

HOLDINGS

1. The stipulation could constitute a confession because it acknowledged that King intentionally made false sworn statements and included legal conclusions and intent-related admissions, rather than merely reciting facts from which guilt might be inferred.
2. The district court erred by denying the suppression motion without an evidentiary hearing because King's allegations were sufficient to require factual inquiry into the nature and voluntariness of the stipulation.
3. The alleged threat that refusal to cooperate could result in increased disciplinary sanctions or removal from office was sufficient to warrant an evidentiary inquiry into whether the stipulation was involuntary under *Garrity*.

KEY QUOTATIONS

“The option to lose their, means of livelihood or to pay the penalty of self-incrimination is the antithesis of free choice to speak out or to remain silent.” (397)

*“The threat of additional sanctions or increased penalties, in my view, is duress contemplated by the *Garrity* decision.” (399)*

FACTUAL BACKGROUND

C. Hunter King, formerly a judge, entered into a stipulated statement of uncontested material facts and stipulated conclusions of law with the Louisiana Judiciary Commission during a disciplinary investigation. The stipulation acknowledged that King made sworn statements that he knew or should have known were false or misleading and that his conduct violated judicial canons and prejudiced the administration of justice. King was later prosecuted for public salary extortion and perjury and argued that the stipulation was a coerced confession because refusal to cooperate could have increased the disciplinary sanction or led to removal from office.

PROCEDURAL HISTORY

King was prosecuted for public salary extortion and perjury after entering a stipulation of facts and law during a prior disciplinary proceeding. The district court denied his motion to suppress the stipulation without conducting an evidentiary hearing, concluding that the stipulation was an admission rather than a confession. The dissenting justices would have granted the writ and remanded for an evidentiary hearing concerning whether the stipulation was a confession and whether it was involuntary under *Garrity*.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The dissent would grant the writ and remand to the district court for an evidentiary hearing concerning the circumstances surrounding King's agreement to the stipulation, whether it constituted a confession, and whether it was involuntary because of threats, duress, intimidation, or the risk of removal from office.

CASES CITED

- Garrity v. State, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967)
- In re King, 2003-1412 (La. 10/21/03), 857 So. 2d 432
- State v. Picton, 25 So. 375, 377 (La. 1899)