

SUPREME COURT OF LOUISIANA

No. 2016-KP-2083

STATE OF LOUISIANA

VERSUS

DARYL TRAHAN

**ON WRIT OF CERTIORARI TO COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF EAST BATON ROUGE**

CLARK, J., would grant and assigns reasons.

While there is no dispute that the trial court did not advise the defendant of his *Boykin* rights during the plea colloquy, I find his guilty pleas were knowingly and voluntarily entered into. The defendant was advised by his attorney of the rights he was waiving, and he expressly maintained throughout the proceedings that he desired to plead guilty and avoid trial. The trial court's failure to advise the defendant of his rights does not alone discharge the defendant's burden in post-conviction proceedings of showing, as a basis for vacating his convictions, a constitutional defect in his guilty pleas. *See* La. C.Cr.P. art. 930.2, *see also State v. Harris*, 97-1352, pp. 1-2 (La. 10/31/97), 702 So.2d 678-79. Accordingly, I would reverse the court of appeal and reinstate the defendant's convictions and sentences.