

10/15/2010 "See News Release 069 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

NO. 2010-KK-0567

STATE OF LOUISIANA

VERSUS

EARL JOSEPH SMITH

KNOLL, J., Concurring.

Arguably the trial court erred in suppressing the defendant's prior conviction, entered by a guilty plea before the Baton Rouge City Court on April 10, 2002, as a predicate offense in the pending charge of driving while intoxicated, fourth offense. However, because the State did not assign this as an error in its writ application, I concur in the denial of the writ.