

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-K-182

STATE OF LOUISIANA

versus

ANTOINE ROUNDS

IN RE STATE OF LOUISIANA
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
DANYELLE M. TAYLOR, DIVISION "O", No. 24-5734

TRUE COPY

June 29, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Marc E. Johnson, and Timothy S. Marcel

WRIT GRANTED; RULING REVERSED

Relator, State of Louisiana (“the State”), seeks review of the district court’s April 8, 2026 ruling granting a motion to suppress statements made by defendant Antoine Rounds. Defendant is charged by bill of indictment with second degree murder in violation of La. R.S. 14:30.1, obstruction of justice in violation of La. R.S. 14:130.1, and possession of a firearm by a convicted felon in violation of La. R.S. 14:95.1. In his Omnibus Motions and Order for Pre-Trial Motions, defendant moved for suppression of his statements, the evidence to be used against him, and the identification evidence. The district court conducted a hearing on defendant’s motion on April 8, 2026. After presentation of the evidence, the district court denied the defendant’s motion to suppress evidence and granted the motion to suppress the pre-arrest statements made by defendant on November 3, 4, 5, and 8, 2024. In the application before us, the State challenges the district court’s granting of defendant’s motion to suppress his pre-arrest statements. Only the November 3, 4, and 5 statements are at issue here. For the following reasons, we grant the State’s writ application and reverse the district court’s ruling as to the statements at issue.

At the suppression hearing, Detective Darvelle Carter testified that defendant was interviewed four times prior to arrest. The first interview was conducted on the scene by officers responding to the report that defendant had been shot on November 3, 2024. Detective Carter interviewed defendant on November 4, 5, and 8, 2024 in the hospital where he was receiving treatment for gunshot injuries. In his testimony, Detective Carter testified that defendant was not in custody and was not advised of *Miranda* rights during any of the four interviews.

Detective Carter recounted that on November 3, 2024, while he was on the scene investigating the death of an individual identified as Anthony Pierre, Detective Carter learned of another shooting reported fifteen minutes after Pierre's death. Officers responding to the scene of the second shooting located defendant near Airline Drive and Filmore. Defendant informed the responding officers that he was in a motor vehicle crash and was shot by the driver of the other vehicle. Sometime thereafter, defendant was transported to a hospital for medical treatment.

On the day following the shooting, November 4, 2024, Detective Carter traveled to the hospital where defendant was being medically treated, to gather information about the incident in which he was shot. In a brief interview, defendant reported that a third party had shot him. Detective Carter found the defendant "very lethargic," so he quickly ended the interview.

The following day, November 5, 2024, Detective Carter and his partner, Detective Steven Mehrtens, returned to the hospital to conduct another interview with the defendant. During this interview, defendant again reported that he was involved in a vehicle accident and was shot by another driver.

Three days later, on November 8, 2024, Detectives Carter and Mehrtens spoke briefly with the defendant in the hospital. During this encounter, the defendant stated he had nothing further to say and requested a lawyer. After invoking his right to counsel, defendant was informed of the warrant for his arrest for the murder of Anthony Pierre that was issued earlier that same day.

Also introduced in the suppression hearing was evidence collected in the course of law enforcement's investigation. Over the six-day period in which defendant was interviewed, the investigation into the homicide of Anthony Pierre included obtaining multiple search warrants. Warrants were obtained to search the silver Nissan work van occupied by defendant on November 3, 2024, to obtain defendant's DNA by buccal swab, to search the Motorola phone recovered from defendant's vehicle for stored and deleted data as well as carrier-records warrants for the defendant's phone number. Detective Carter also

testified that officers collected the defendant's clothing and phone from the hospital as part of the shooting-victim investigation.

At the conclusion of the hearing, the judge suppressed all of defendant's statements stating:

I do not agree -- and if you want me to say this for the record, I don't believe it was a custodial interrogation because I don't believe the hospital was a state actor, okay. And I don't believe that his medical - his medical condition may have impacted or incapacitated him to the point that he wouldn't have the mobility of other people, but I don't believe that the police were in any way acting in furtherance or hindering that for him. I don't believe it was a custodial interview but I believe that he was in fact a suspect based upon the statements made in the warrants issued prior to the interviews.

She added that under Louisiana law, "a person who's considered a suspect when law enforcement has probable cause to believe a crime has been committed and that's the exact threshold that you need for a warrant, so that's the logic and the reason behind what I'm going to consider an extraordinary ruling."

Discussion

In its application, the State asserts that the trial court erred in finding that the defendant's statements on November 3, 4, and 5, 2024 were inadmissible. The State does not challenge the district court's ruling as to the November 8, 2024 statement. In opposition, defendant contends that the State did not meet its burden to prove admissibility and maintains the district court properly suppressed his statements made while he was confined to a hospital bed recovering from a gunshot wound and under the effects of pain medication, and was the exclusive target of the homicide investigation. Independently, defendant maintains that the State's burden includes proving the statements were free and voluntary.

On a motion to suppress a confession or statement, the burden rests with the State to prove admissibility. La. C.Cr.P. art. 703(D). The trial court is afforded great discretion when ruling on a motion to suppress, such that an appellate court will not disturb a trial court's ruling on a motion to suppress absent abuse of that discretion. *State v. Mitchell*, 15-524 (La. App. 5 Cir. 12/9/15), 182 So.3d 365, 373.

Before conducting a custodial interrogation, law enforcement must advise a suspect of his right to remain silent, his right to the presence of an attorney, and that any statement he makes may be used against him. [*Miranda v. Arizona*, 384 U.S. 436, 444-45, 86 S.Ct. 1602, 1612, 16 L.Ed.2d 694 \(1966\)](#). The Supreme Court in *Miranda* defined custodial interrogation as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Id.* Thus, the *Miranda*

advisement applies where three conditions are met: (1) the defendant is in ‘custody’ or significantly deprived of freedom, (2) there is an ‘interrogation,’ and (3) the interrogation is conducted by a ‘law enforcement officer’ or someone acting as their agent. *State v. Bernard*, 09-1178 (La. 3/16/10), 31 So.3d 1025, 1029. “Custody is decided by two distinct inquiries: an objective assessment of the circumstances surrounding the interrogation to determine whether there is a formal arrest or restraint on freedom of the degree associated with formal arrest; and, second, an evaluation of how a reasonable person in the position of the interviewee would gauge the breadth of his freedom of action.” *State v. Hankton*, 12-0466 (La. App. 4 Cir. 4/30/14), 140 So.3d 398, 407, *writ denied*, 14-1062 (La. 3/13/15), 161 So.3d 630.

The Louisiana Supreme Court has consistently held that *Miranda* warnings are not required when the law officer is making a general, on-the-scene investigation to determine whether there has been the commission of a crime, and if so, by whom. *See State v. Thornton*, 12-95 (La. 3/30/12), 83 So.3d 1024, 1026. Whether an individual is a suspect of the police conducting a criminal investigation does not determine whether the interrogation occurs in a custodial context for purposes of *Miranda*, and “[e]ven a clear statement from an officer that the person under interrogation is a prime suspect is not, in itself, dispositive of the custody issue, for some suspects are free to come and go until the police decide to make an arrest.” *State v. Saltzman*, 03-1423 (La. 4/8/04), 871 So.2d 1087, 1088 (quoting *Stansbury v. California*, 511 U.S. 318, 325, 114 S.Ct. 1526, 1530, 128 L.Ed.2d 293 (1994)). *See also State v. Lagarde*, 05-268 (La. App. 5 Cir. 11/29/05), 917 So.2d 623, 628 (“In addition, merely because an investigation focuses on a suspect does not trigger the need for *Miranda* warnings in a non-custodial setting”).

Recently, in *State v. Noehl*, 24-1224 (La. 6/27/25), 413 So.3d 360, the Louisiana Supreme Court addressed whether the defendants, who were questioned in a hospital room with the door closed, were in “custody or otherwise deprived of [their] freedom of action in any significant way” or “arrested or detained in connection with the investigation or commission of any offense,” thereby requiring officers to *Mirandize* the defendants. The supreme court explained that *Miranda* and its progeny make it clear that whether a person has been deprived of his or her “freedom of action in any significant way” (per *Miranda*) or “detained” (per La. Const. Art. I, Sec. 13) is to be determined by the objective circumstances of the interaction between law enforcement and the accused. *Noehl*, 413 So.3d at 368. The “only relevant inquiry is how a reasonable [person] in the suspect’s position would have understood his situation.” *Id.* (quoting *Berkemer v. McCarty*, 468 U.S. 420, 104 S.Ct. 3138, 82 L.Ed.2d 317 (1984)). Critically, “the subjective views harbored by either the interrogating officers or the person being questioned” have no place in a court’s determination as to whether the suspect should have received *Miranda* warnings. *Id.*

In the case presented, encounters between defendant and law enforcement officers on November 3, 4, and 5, 2024 were brief and in

neutral settings. As to the hospital encounters, there was no guard or door control in place at defendant's hospital room and officers made no request to the hospital to restrict defendant's movement. Further, defendant was free to terminate the interviews at any time. The only restriction on defendant's movement was his medical circumstances. Custody turns on officer-imposed restraint. Under the objective test, these circumstances do not constitute custody.

In ruling, the district court expressly stated it did not find custody in the hospital setting but suppressed the statements anyway. A defendant's status as a suspect is not a factor for determining if he should have been advised of his rights under *Miranda*. Custody is an objective, reasonable-person test; suspect status or an investigation's focus does not convert a non-custodial interview into a custodial one. The district court's reliance on suspect status rather than an objective assessment of the circumstances surrounding the interviews was legal error and, as such, an abuse of discretion.

Accordingly, we grant the writ, reverse the suppression ruling as to the November 3, 4, and 5, 2024 statements. We express no opinion regarding the November 8, 2024 encounter, which the State does not challenge.

Gretna, Louisiana, this 29th day of June, 2026.

TSM
SMC
MEJ

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
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JUDGES



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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **06/29/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-K-182

E-NOTIFIED

24th Judicial District Court (Clerk)

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Thomas J. Butler (Relator)

Darren A. Allemand (Relator)

Honorable Paul D. Connick, Jr. (Relator)

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