Filed 9/23/03 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2003 ND 143

State of North Dakota, Plaintiff and Appellee

v.

Carrie Jo Ricker, Defendant and Appellant

No. 20030045

Appeal from the District Court of Cass County, East Central Judicial District, the Honorable Ralph R. Erickson, Judge.

AFFIRMED.

Per Curiam.

Tracy J. Peters, Assistant State's Attorney, and third-year law student Berly D. Nelson, Law Clerk for Cass County State's Attorney, under the Rule on Limited Practice of Law by Law Students, Courthouse, P.O. Box 2806, Fargo, N.D. 58108-2806, for plaintiff and appellee; submitted on brief.

Monty G. Mertz, 1308 23rd Street South, P.O. Box 10396, Fargo, N.D. 58106-0396, for defendant and appellant; submitted on brief.

State v. Ricker
No. 20030045

Per Curiam.

[¶1] Carrie Ricker appealed from the criminal judgment and commitment and the district court's order denying her motion to suppress evidence found during a search of her purse. Ricker argues the district court erred in finding the search of her purse legal. She also argues the statements she made were obtained in violation of Miranda and were otherwise inadmissible because they were not voluntary. We will not reverse the trial court's decision to deny a suppression motion if there is sufficient competent evidence to support the court's findings and if the decision is not contrary to the manifest weight of the evidence. City of Fargo v. Thompson, 520 N.W.2d 578, 581 (N.D. 1994). Reviewing the record, we conclude the district court's finding Ricker was not in custody and the district court's finding regarding the voluntariness of Ricker's confessions were supported by sufficient competent evidence and were not contrary to the manifest weight of the evidence.

[¶2] The district court's decision is affirmed under Rule 35.1(a)(2) and (3), N.D.R.App.P.

[¶3] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring
Carol Ronning Kapsner