**Affirmed and Opinion filed May 31, 2001.**

**In The**

# Fourteenth Court of Appeals

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**NO. 14-99-01352-CR**

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**LISA RENEE JACKSON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 338th District Court**
**Harris County, Texas**
**Trial Court Cause No. 814,146**

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## O P I N I O N

Appellant was charged by indictment with aggravated robbery. *See* TEX. PEN. CODE ANN. § 29.03 (Vernon 1994). The jury found her guilty and assessed punishment at forty years in prison. Because we determine that appellant has not shown that her statement to the police was involuntary, we affirm.

In appellant's first point of error, she complains the trial court violated article 38.22, section 6, of the Code of Criminal Procedure, by not filing written findings of fact and conclusions of law as to the voluntariness of her statement. The trial record does not support

appellant's allegations. The trial court filed written findings and conclusions, signed by the judge, on October 20, 1999. We overrule appellant's first point of error as moot.

In her second point of error, appellant complains that the trial court erred by denying her motion to suppress.

Appellant filed a motion to suppress a videotaped statement she gave to police on grounds that the statement was involuntary. At the suppression hearing, Houston Police Sergeant Michelle Schiebe testified that she learned that appellant, a Houston municipal court employee, was involved in a series of robberies in the River Oaks and Tanglewood areas. On May 26, 1999, Schiebe and police Sergeant Larry Doreck arrested appellant at the municipal courts building. Appellant was taken to a judge and informed of her rights. Appellant then was taken to the police substation on Mykawa Road, the only substation where female arrestees are processed into jail. At the substation appellant was interviewed by Schiebe and Doreck. In the interview room Doreck again read appellant her legal warnings. Schiebe testified that appellant was "very cooperative." Doreck said that appellant appeared willing to talk to the officers and did not ask for a lawyer. Appellant at first minimized her participation in the robberies. During a break in the interview, Doreck spoke with appellant's husband, who was already in jail in connection with the robberies, to discuss appellant's denial of involvement. Appellant's husband asked to speak with appellant by phone. During the telephone conversation, Doreck testified, appellant's husband apologized to his wife for getting her involved and told her that he, her husband, had already detailed her participation to the police.

After the telephone conversation, appellant gave a videotaped statement to police. On tape, she was again informed of her legal rights. In the statement, appellant told police of her involvement in the robberies. She stated that she obtained the names of elderly victims through her employment with the municipal court system.

Appellant, testifying at the suppression hearing, stated that she was arrested and given magistrate's warnings at about 3:30 p.m. She was placed in an interview room with the police

officers at 4:44 p.m. The interview lasted for about two and a half hours. At about 7:48 p.m. she was placed in jail to await a lineup. At about 10:55 p.m., after the lineup, another interview began. At about 12:55 a.m. appellant began her videotaped statement, which lasted until 1:37 a.m. At the suppression hearing appellant testified that the interviewing officers told her repeatedly that she needed to help herself, that she should think of her children, and that Mouise Pouncey, an acquaintance implicated in the robberies, already had received a sentence of forty years. She testified that she felt pressured and tired. She also testified that she thought she would go home to her children after making her statement. At the conclusion of the hearing, appellant's motion was denied.

At a suppression hearing, the trial court is the sole judge of the credibility of a witness and of the weight to be given the witness's testimony. *See Meek v. State*, 790 S.W.2d 618, 620 (Tex. Crim. App. 1990). The trial court may believe or disbelieve any part or all of a witness's testimony. *See id.* In reviewing a trial court's ruling on a suppression motion, we may not disturb any finding that is supported in the record. *See Green v. State*, 934 S.W.2d 92, 98-99 (Tex. Crim. App. 1996). Courts make a determination of whether a statement was given voluntarily by considering the totality of the circumstances surrounding the custodial interrogation. *See id.* at 99.

Here, appellant does not allege she did not receive the proper legal warnings. She alleges only that she felt pressured and was tired. Although appellant testified that she thought she would go home after making her statement, she did not testify as to the basis of her belief; that is, she did not testify that officers told her she could go home. She does allege that the officers told her that making a statement would help her. Even if we assume the officers did tell appellant that making a statement would help her, such a statement by the officers, standing alone, viewed within the totality of the circumstances surrounding appellant's interrogation, does not make the statement involuntary. *See Espinosa v. State*, 899 S.W.2d 359, 362 (Tex. App.—Houston [14th Dist.] 1995, pet. ref'd)(determining that police statement "Go ahead and tell us what happened. Everything will be better for you. You will get less time" did not make

statement involuntary). The court found that appellant had been given her warnings, that appellant after her arrest appeared sober, alert, uninjured, and talkative and never requested counsel, and that at no time was appellant coerced, intimidated, threatened, or promised anything by the officers, magistrate, or any person to persuade her to give a statement. Such findings are supported by the record. We determine that the trial court did not abuse its discretion by denying the motion to suppress. The trial court after viewing the totality of the circumstances would have been entitled to find appellant's statement voluntary. We overrule appellant's second point of error.

Having overruled both appellant's points of error, we affirm the trial court's judgment.

/s/ Wanda McKee Fowler
Justice

Judgment rendered and Opinion filed May 31, 2001.

Panel consists of Justices Yates, Fowler, and Wittig. (Wittig, J., concurs in the result only.)

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