

1330. We therefore conclude that the statements also should have been suppressed as fruits of the illegal search, under the fourth amendment and part I, article 19. On this basis, we hold that the trial court erred in failing to suppress the statements.

Reversed.

All concurred.

Rockingham
No. 84-263

THE STATE OF NEW HAMPSHIRE

v.

JOHN B. MARSHALL, JR.

March 7, 1985

Stephen E. Merrill, attorney general (*Brian T. Tucker*, assistant attorney general, on the brief), by brief for the State.

Joanne S. Green, assistant appellate defender, of Concord, by brief for the defendant.

MEMORANDUM OPINION

The defendant asserts error relating to his failure to testify at his aggravated felonious sexual assault trial before *Gray, J.* The defendant acknowledges that he has failed to preserve the issue he now raises on appeal. Accordingly, the defendant has waived his right to raise this argument on appeal. *State v. Laliberte*, 124 N.H. 621, 474 A.2d 1025 (1984).

Affirmed.