

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

July 11, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-0237-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

ERIC E. ERDOS,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Grant County:
GEORGE S. CURRY, Judge. *Affirmed.*

Before Eich, C.J., Gartzke, P.J., and Sundby, J.

PER CURIAM. Eric Erdos appeals from a judgment convicting him on two counts of failure to provide child support. The issue is whether the trial court violated his due process rights by ruling that Erdos could not present testimony that he did not believe that he was the father of the child in question. We conclude that the issue was waived, and therefore affirm.

The trial court issued its exclusion ruling pursuant to the State's pretrial motion. Erdos then pled no contest on two of the three charges against him. Judgment was entered accordingly.

A plea of no contest ordinarily waives all nonjurisdictional defects and defenses, including violation of constitutional rights, that occur before entry of the plea. *County of Racine v. Smith*, 122 Wis.2d 431, 434, 362 N.W.2d 439, 441 (Ct. App. 1984). An exception exists, however, for review of an order denying a motion to suppress evidence or a motion challenging the admissibility of the defendant's statement. Section 971.31(10), STATS. Erdos argues that he is entitled to review of the trial court's ruling under this statutory exception. We reject his contention because the trial court's order excluding his testimony is neither an order denying a motion to suppress evidence nor an order denying a motion challenging the admissibility of the defendant's statement. As the State notes, an order granting a motion to exclude evidence is not the same as an order denying a suppression motion.

In any event, Erdos was not prejudiced by the trial court's ruling. The State prosecuted Erdos on the basis of its allegation that he knowingly violated a child support order. He admitted that he was aware of that order. His belief that it may have been unjust was irrelevant.

By the Court.— Judgment affirmed.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.