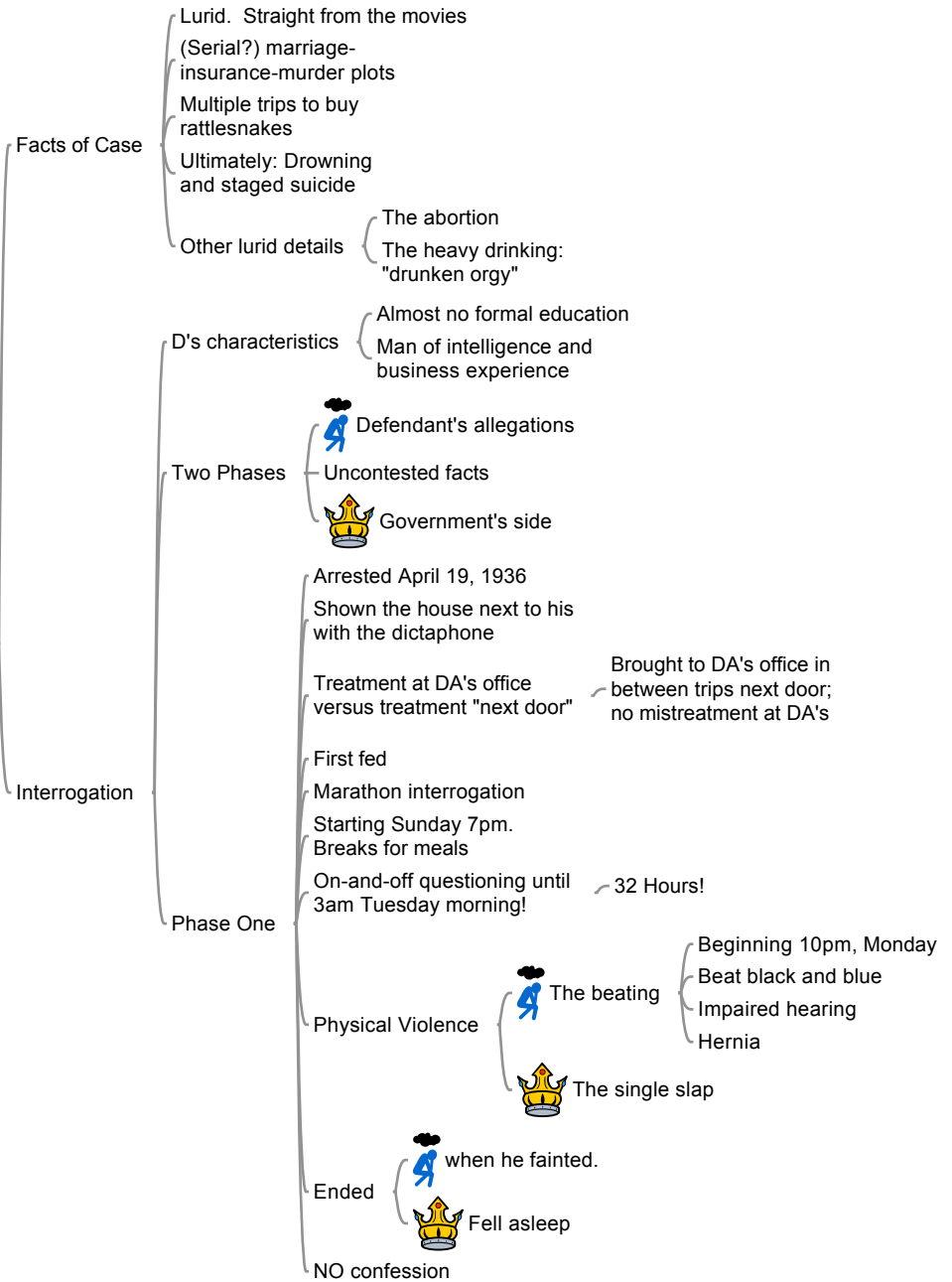


Class 21: Voluntariness And Due Process

Voluntariness

Fact Patterns — Lisenba (1941)



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Voluntariness

Fact Patterns



Lisenba (1941) ↗ Interrogation

Phase Two

- Jailed for intervening 11 days, but no interrogations or abuse ↗ Chance to meet with lawyers
- May 1: Accomplice (Hope) arrested and made a statement
- May 2: Told that Hope had confessed.
- First brought home

- Then to DA's office.
 - Requests for attorneys denied.
 - Questioned from past Noon "into the night" ↗ Another 10-12 hours
 - No confessions

The ending

-  The slapping officer threatened to take him back to the house and beat him if he didn't tell the truth.
-  He offered to confess over a meal

The "confession" ↗ Similar to Hope's story, but shifts blame for most of planning and for ultimate murder on Hope. "shocked and surprised" to learn of murder (520)

Spano (1959) ↗ Defendant

Naturalized Italian-American citizen
25 years old; graduate from junior high school.

Movie-like fact pattern

- The Boxer in the Candy Store
- Robbery and brutal beating by much bigger man.
- Got a gun, went to candy store, fired five shots
- Eyewitnesses

Interrogation

- Surrendered with his attorney
- Eight hour interrogation
- "persistent and continuous"
- After five hours, transferred from ADA's office to Police Station
- Consistent refusals to answer questions without attorney

His friend, police-cadet Bruno called in.

- Told to lie that prior conversation had gotten him in trouble.
- Mentioned Bruno's wife and three kids.
- Four attempts--fourth one worked

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Voluntariness

Fact Patterns — Chavez

Bike rider with gun on waistband, leading to altercation
Officer shot D several times, leaving him permanently blinded and paralyzed from waist down.
Interrogation during medical treatment
* Never charged with a crime; never prosecuted. 1983 suit

— "He's got my gun"

Later in interview, confession to taking the gun and to drug use.
"I'm not telling you anything until they treat me."
Kennedy fills in details (540)

Analysis

- Lisenba
 - Trial Judge — Voluntary
 - Held
 - Reasoning
- Spano
 - Held
 - Reasoning
- Chavez
 - Held
 - Reasoning

Tests

- Lisenba
- Spano