

Class 23: Miranda Custody And Interrogation

Admin

Next Time: 649-69
Thursday: 587-599;
608-15 (modified)
We will skip the reading
for Class 26.

Last Time

Miranda

Rationale

In-custody interrogation
has inherently com-
pelling pressures
Destroys Human Dignity

The prosecution may
not use statements

inculpatory
exculpatory

stemming from custodial
interrogation

questioning initiated by LE
officers after a person has been
taken into custody
or otherwise deprived of
his freedom of action in
any significant way

Held

unless it demonstrates the
use of procedural safe-
guards effective to secure
the privilege against self-
incrimination

Unless other fully effec-
tive means are adopted:

Warnings

The right to remain silent
Anything said can be
used against him in a
court of law
Right to an attorney
If you cannot afford an
attorney, one will be
appointed for him

Waiver

Self-Incrimination ⊕

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Miranda Custody

Mathiason

Facts

Theft from home.

Owner suspected only her son's friend, a parolee.

Officer left card at D's apartment with note which said, "I'd like to discuss something with you."

D called, stated no preference about meeting place.

Officer asked him to come to state patrol office.

The meeting

Officer told D he was not under arrest

Met in an office with the door closed

Across a desk

Told him he wanted to talk about a burglary and truthfulness would be considered by DA or judge.

Officer told D he suspected him

Officer lied: we found your prints at the scene.

D confessed.

Entire conversation took five minutes.

Read rights, took taped confession.

Officer told D he was not arresting him at this time

D was released to go.

OR Supreme Court / Coercive environment. (630)

Held

Reasoning ⊕

Problem in Note 3

Police arrest D at end of interview in the interrogation room.

Police permit D to leave but arrest him in the parking lot.

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Miranda Custody

Berkemer

Facts

- Misdemeanor traffic stop — Weaving in and out of lane
- Asked D out of vehicle;
D had trouble standing
- Field sobriety tests
- Questioning
 - Have you been using intoxicants?
 - A: two beers and several joints a short time before.
 - Speech was slurred
- Arrested; taken to station.

More questioning

- Have you been drinking? Yes.
- Are you drunk? I guess, barely
- Was the marijuana treated with chemicals? "No angel dust or PCP in the pot. Rick McCarty"

Never Mirandized

Held

Reasoning

Note Hypos

- Note 2
- Note 3
- Note 5
- Note 6

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Miranda Interrogation

Innis

Facts

Taxicab driver killed by shotgun blast aimed at back of his head.
Five days later, another taxicab driver robbed by a man with a shotgun. ID'd suspect in photo array.
That night, officer recognized D on street. Arrested him.
Mirandized three separate time.
Asked to speak to a lawyer
Placed in four-door police car with three officers. Captain instructed officers not to question him.

The conversation

Patrolman 1 to Patrolman 2

There is a school for handicapped children nearby. God forbid one of them find a weapon with shells and hurt themselves.
We have to find that weapon.
It would be bad if a little girl picked up the gun and killed herself.

D interrupted, saying he should turn around and he would show them the gun.

On scene: Rights read again; D says I know my rights, but I want to get the gun out of the way because of the kids in the area.

Led police to nearby field and pointed to gun.

Held

Reasoning

Note Hypos ⊕