

Investigations: Interrogations & Interviews

Ramon Lopez Jr

Department of Cybersecurity: University of Advancing Technology

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Professor Joseph Pollock

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In *California v. Prysock*, the California Court of Appeal ruled that the Miranda warnings given to a juvenile were inadequate due to their order of presentation. The warnings were as follows: the suspect was told he had "the right to talk to a lawyer before you are questioned, have him present with you while you are being questioned, and all during the questioning," followed by the right to have his parents present, and then informed of his right to a court-appointed attorney at no cost (Justia, 1981, Paragraph 1). The Court of Appeal deemed these warnings insufficient, but the Supreme Court later determined they were adequate. The significance of this case lies in the ruling that Miranda Rights do not need to be recited in a specific order, as long as they sufficiently inform the suspect of their rights.

Rhode Island v. Innis:

In *Rhode Island v. Innis*, Innis was arrested for his involvement in a robbery. While being transported, officers engaged in a conversation about a missing shotgun, discussing the potential danger if children found it. Innis, who had previously invoked his right to counsel, interrupted and offered to help find the weapon (Justia, 1979, Paragraph 1). Although the officers were not directly questioning him, the court determined that their conversation amounted to an interrogation. The Rhode Island Supreme Court ruled that Innis was entitled to a new trial because he had been indirectly coerced into speaking without his attorney present. This case highlighted that even indirect persuasion can be considered an interrogation if it elicits a response from a suspect.

Oregon v. Bradshaw:

In *Oregon v. Bradshaw*, Bradshaw was under investigation for a homicide. During transport, he asked an officer, "Well, what is going to happen to me now?" The officer reminded him that he did not have to speak, and Bradshaw acknowledged this before engaging in further conversation (Justia, 1983, Paragraph 1). Eventually, Bradshaw admitted to drunk driving. His conviction was later overturned, as statements made outside the initial discussion should have been excluded. This case emphasizes that suspects must be clear and intentional when re-engaging with law enforcement after invoking their rights.

Minnick v. Mississippi:

In *Minnick v. Mississippi*, Minnick was arrested for capital murder and invoked his right to counsel, after which he spoke with his attorney multiple times. However, a deputy sheriff later reinitiated questioning, telling Minnick he could not refuse to speak. Minnick then confessed (Justia, 1990, Paragraph 1). His motion to suppress the confession was denied, and he was convicted. The significance of this case is that once legal counsel has been made available, law enforcement can reinitiate questioning without violating the Fifth Amendment right to counsel.

Oregon v. Elstad:

In *Oregon v. Elstad*, Elstad made an incriminating statement before receiving his Miranda rights. Later, after being properly advised and waiving his rights, he provided a written confession (Justia, 1985, Paragraph 1). The Oregon Court of Appeals reversed his conviction, ruling that his initial statement should have been excluded. The significance of this case is that any statements made before Miranda warnings are given cannot be used against a suspect, reinforcing the necessity of properly advising individuals of their rights.

Davis v. United States:

In *Davis v. United States*, Davis, a member of the Navy, initially waived his right to remain silent. Later in the interrogation, he stated, "Maybe I should talk to a lawyer." When asked for clarification, he said he did not want one, and the interview continued (Justia, 1994, Paragraph 1). He was ultimately convicted of murder. This case established that a suspect must clearly and unequivocally request a lawyer for the right to counsel to take effect.

Interview vs. Interrogation:

- An interview is a conversation designed to gather information, often with open-ended questions that encourage discussion. The individual being interviewed may not necessarily be a suspect but could be a witness or someone with relevant information.
- An interrogation, on the other hand, is a conversation where law enforcement seeks to elicit a voluntary confession or admission of guilt. The questions in an interrogation are more direct and accusatory, aiming to confirm or challenge a suspect's statements.

The Gladys R. Admonition:

The Gladys R. Admonition applies to juveniles under 14 years old. After a minor waives their Miranda rights, the Gladys R. Admonition is administered to ensure the suspect understands the difference between right and wrong. The suspect is asked to provide examples of right and wrong behavior and explain their understanding of why the alleged crime was wrong. This process ensures that young arrestees comprehend the legal implications of their actions before proceeding with questioning.

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