Case Briefing

Dickerson v United States

530 US 428 (2000)

**Facts and Procedural History**

* In the wake of Miranda v. Arizona, 384 U. S. 436, in which the Court held that certain warnings must be given before a suspect's statement made during custodial interrogation could be admitted in evidence, id., at 479, Congress enacted 18 U. S. C. § 3501, which in essence makes the admissibility of such statements turn solely on whether they were made voluntarily.
* Under indictment for bank robbery and related federal crimes, the petitioner moved to suppress a statement he had made to the Federal Bureau of Investigation on the ground he had not received "Miranda warnings" before being interrogated.
* The District Court granted his motion, and the government took an interlocutory appeal.
* In reversing, the Fourth Circuit acknowledged that the petitioner had not received Miranda warnings but held that § 3501 was satisfied because his statement was voluntary.
* It concluded that Miranda was not a constitutional holding and that, therefore, Congress could by statute have the final say on the admissibility question.

**Law**

Miranda and its progeny in the Supreme Court govern the admissibility of statements made during custodial interrogation in both state and federal courts.

**Legal Question**

May Miranda, being a constitutional decision of the Supreme Court of the United States, be in effect overruled by an Act of Congress?

**Holding and vote**: NO 7-2

**Reasoning and Name** **of Judge** (Justice Rehnquist, joined by justices Stevens, O’Connor, Kennedy, Souter, Ginsburg, and Breyer),

Justice Rehnquist delivered the opinion of the Court, in which it was stated that:

* Miranda, being a constitutional decision of this Court, may not be in effect overruled by an Act of Congress. Given express designation of voluntariness as the touchstone of admissibility, its omission of any warning requirement, and its instruction for trial courts to consider the totality of the circumstances surrounding the giving of the confession, this Court agrees with the Fourth Circuit that Congress intended § 3501 to overrule Miranda.
* The law is clear as to whether Congress has the constitutional authority to do so. This Court has supervisory authority over the federal courts to prescribe binding rules of evidence and procedure.
* While Congress has the ultimate authority to modify or set aside any such rules that are not constitutionally required, it may not supersede this Court's decisions interpreting and applying the Constitution.
* That Miranda announced a constitutional rule is demonstrated, first and foremost, by the fact that both Miranda and two of its companion cases applied its rule to proceedings in state courts and that the Court has consistently done so ever since.
* The Court does not hold supervisory power over the state courts, as to which its authority is limited to enforcing the commands of the Constitution.
* The conclusion that Miranda is constitutionally based is also supported by the fact that that case is replete with statements indicating that the majority thought it was announcing a constitutional rule. Although Miranda invited legislative action to protect the constitutional right against coerced self-incrimination, it stated that any legislative alternative must be "at least as effective in apprising accused persons of their right of silence and in assuring a continuous opportunity to exercise it.”
* A contrary conclusion is not required because the Court has subsequently made exceptions from the Miranda rule.
* No constitutional rule is immutable, and the sorts of refinements made by such cases are merely a normal part of constitutional law.
* Oregon v. Elstad, 470 U. S. 298, 306-in which the Court refused to apply the traditional "fruits" doctrine developed in Fourth Amendment cases and stated that Miranda's exclusionary rule serves the Fifth Amendment and sweeps more broadly than that Amendment itself - does not prove that Miranda is a non-constitutional decision, but simply recognizes the fact that unreasonable searches under the Fourth Amendment are different from unwarned interrogation under the Fifth.
* Narcotics Agents, 403 U. S. 388 - it does not agree that such additional measures supplement § 3501's protections sufficiently to create an adequate substitute for the Miranda warnings. Miranda requires procedures that will warn a suspect in custody of his right to remain silent and assure him that the exercise of that right will be honored, while § 3501 explicitly eschews a requirement of pre-interrogation warnings in favor of an approach that looks to the administration of such warnings as only one factor in determining the voluntariness of a suspect's confession. Section 3501, therefore, cannot be sustained if Miranda is to remain the law.
* This Court declines to overrule Miranda. Whether or not this Court would agree with Miranda's reasoning and its rule in the first instance, stare decisis weighs heavily against overruling it now. Even in constitutional cases, stare decisis carries such persuasive force that the Court has always required a departure from precedent to be supported by some special justification.

**Dissenting Opinion** (Justice Scalia, joined by Thomas)

* I dissent from today’s decision and, until § 3501 is repealed, will continue to apply it in all cases where there has been a sustainable finding that the defendant's confession was voluntary.
* The Court cites my dissenting opinion in Mitchell v. United States, 526 U. S. 314, 331-332 (1999), for the proposition that "the fact that a rule has found 'wide acceptance in the legal culture' is 'adequate reason not to overrule' it."
* But the legal culture is not the same as the "public's consciousness"; and unlike the rule at issue in Mitchell, Miranda has been continually criticized by lawyers, law enforcement officials, and scholars since its pronouncement.
* Moreover, in Mitchell, the constitutional underpinnings of the earlier rule had not been demolished by subsequent cases.

Palko v Connecticut

302 US 319 (1937)

**Facts and Procedural History**

* The appellant challenges a statute of Connecticut permitting appeals in criminal cases to be taken by the state as an infringement of the Fourteenth Amendment of the United States Constitution. Whether the challenge should be upheld is now to be determined.
* Appellant was indicted in Fairfield County, Connecticut, for the crime of murder in the first degree. A jury found him guilty of murder in the second degree, and he was sentenced to confinement in the state prison for life.
* Thereafter the State of Connecticut, with the permission of the judge presiding at the trial, gave notice of appeal to the Supreme Court of Errors. This it did pursuant to an act adopted in 1886, which is printed in the margin.1 Public Acts 1886, p. 560, now section 6494 of the General Statutes.
* Upon such appeal, the Supreme Court of Errors reversed the judgment and ordered a new trial. State v. Palko, 121 Conn. 669, 186 A. 657. It found that there had been an error of law to the prejudice of the state (1) in excluding testimony as to a confession by the defendant; (2) in excluding testimony upon cross-examination of the defendant to impeach his credibility; and (3) in the instructions to the jury as to the difference between first and second-degree murder.

**Law**

The double jeopardy prohibition provision included in the Fifth Amendment is not applied to the states through the Fourteenth Amendment.

**Legal Question**

Does Palko's second conviction violate the protection against double jeopardy guaranteed by the Fifth Amendment because this protection applies to the states by virtue of the Fourteenth Amendment's due process clause?

**Holding and Vote**: No 8-1

Reasoning and Name of Judge (Justice Cardozo, joined by Justices McReynolds, Brandeis, Sutherland, Stone, Roberts, Black)

* The execution of the sentence will not deprive the appellant of his life without the process of law assured to him by the Fourteenth Amendment of the Federal Constitution.
* The argument for the appellant is that whatever is forbidden by the Fifth Amendment is forbidden by the Fourteenth also.
* We do not find it profitable to mark the precise limits of the prohibition of double jeopardy in federal prosecutions.
* We have said that in the appellant's view, the Fourteenth Amendment is to be taken as embodying the prohibitions of the Fifth. His thesis is even broader. Whatever would be a violation of the original bill of rights (Amendments 1 to 8) if done by the federal government is now equally unlawful by force of the Fourteenth Amendment if done by a state. There is no such general rule.
* The conviction of the appellant is not in derogation of any privileges or immunities that belong to him as a citizen of the United States.
* There is an argument on his behalf that the judgment has flouted the privileges and immunities clause of the Fourteenth Amendment and the due process clause.
* Maxwell v. Dow, supra, 176 U.S. 581, at page 584, 20 S.Ct. 448, 494, 44 L.Ed. 597, gives all the answer that is necessary.
* The judgment is affirmed.

**Concurring Opinion (NA)**

**Dissenting Opinion** (Mr. Justice Butler)

* 'Sec. 6494. Appeals by the state in criminal cases. Appeals from the rulings and decisions of the Superior Court or of any criminal court of common pleas, upon all questions of law arising on the trial of criminal cases, may be taken by the state, with the permission of the presiding judge, to the Supreme Court of errors, in the same manner, and to the same effect as if made by the accused.'
* A statute of Vermont (G.L. 2598) was given the same effect and upheld as constitutional in State v. Felch, 92 Vt. 477, 105 A. 23.
* Other statutes, conferring a right of appeal more or less limited in scope, are collected in the American Law Institute Code of Criminal Procedure, June 15, 1930, p. 1203.
* First Amendment: 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.'
* Sixth Anemdment: 'In all criminal prosecutions, the accused shall enjoy the right \* \* \* to have the Assistance of Counsel for his defense.'
* Compulsory self-incrimination is part of the established procedure in the law of Continental Europe. Double jeopardy too is not everywhere forbidden.
* 'It is possible that some of the personal rights safeguarded by the first eight Amendments against national action may also be safeguarded against state action because a denial of them would be a denial of due process of law.
* If this is so, it is not because those rights are enumerated in the first eight Amendments, but because they are of such a nature that they are included in the conception of due process of law.'

Benton V Maryland

395 US 7841 (1969)

**Facts And Procedural History**

* In August 1965, the petitioner was tried in a Maryland state court on burglary and larceny charges. The jury found the petitioner not guilty of larceny but convicted him on the burglary count. He was sentenced to 10 years in prison. Shortly after his notice of appeal was filed in the Maryland Court on Appeals, that Court handed down its decision in the case of Schowgurow v. State, 240 Md. 121, 213 A.2d 475 (1965).
* In Schowgurow, the Maryland Court of Appeals struck down a section of the state constitution that required jurors to swear their belief in the existence of God.
* As a result of this decision, the petitioner's case was remanded to the trial court. Because both the grand and petit juries in the petitioner's case had been selected under the invalid constitutional provision, the petitioner was given the option of demanding re-indictment and retrial.
* He chose to have his conviction set aside, and a new indictment and new trial followed. At this second trial, the petitioner was again charged with both larceny and burglary.
* Petitioner objected to retrial on the larceny count, arguing that because the first jury had found him not guilty of larceny, a retrial would violate the constitutional prohibition against subjecting persons to double jeopardy for the same offense. The trial judge denied the petitioner's motion to dismiss the larceny charge, and the petitioner was tried for both larceny and burglary.
* This time the jury found the petitioner guilty of both offenses, and the judge sentenced him to 5 years on the burglary count1 and 5 years for larceny, the sentences to run concurrently.
* On appeal to the newly created Maryland Court of Special Appeals, the petitioner's double jeopardy claim was rejected on the merits. The Court of Appeals denied discretionary review.

**Law**

The Fifth Amendment provides that no person shall ‘‘be subject for the same offense to be twice put in jeopardy of life or limb.’’

**Legal question**

Is the double jeopardy clause is applicable to the states via the 14th Amendment?

Was the D twice placed in double jeopardy?

**Holding vote**: Yes (for both) 5–2

**Reasoning and Name of Judge** (Marshall, joined by Warren, Black, Douglas, Brennan)

Justice Thurgood Marshall filed the majority opinion, in which the Court stated that:

* The concurrent sentence doctrine enunciated in Hirabayashi v. United States, 320 U. S. 81, 320 U. S. 105, does not constitute a jurisdictional bar to this Court's deciding petitioner's challenge to his larceny conviction, since the possibilities of adverse collateral effects to him from that conviction give the case an adversary cast and make it justiciable.
* Regardless of whether the concurrent sentence doctrine survives as a rule of judicial convenience, the doctrine is inapplicable here, since the Maryland appellate court decided not to apply the doctrine and upheld the larceny conviction despite the petitioner's double jeopardy contention, and since the status of petitioner's burglary conviction is still in some doubt.
* The double jeopardy prohibition of the Fifth Amendment, a fundamental ideal in our constitutional heritage, is enforceable against the States through the Fourteenth Amendment. Palko v. Connecticut, 302 U. S. 319, overruled.
* Petitioner's larceny conviction cannot stand, since "conditioning an appeal on one offense on a coerced surrender of a valid plea of former jeopardy on another offense exacts a forfeiture in plain conflict with the constitutional bar against double jeopardy."
* The question raised by petitioner that prejudicial error resulted from the admission at his trial for both burglary and larceny of some evidence that state law made inadmissible in a trial for burglary alone was not decided by the Maryland appellate court, and should now be considered by that Court.
* It is not obvious on the face of the record that the burglary conviction was affected by the double jeopardy violation.

Concurring Opinion (Justice White)

* While I agree with the Court's extension of the prohibition against double jeopardy to the States, and with the Court's conclusion that the concurrent sentence rule constitutes no jurisdictional bar, additional comment on the wisdom and effects of applying a concurrent sentence rule seems appropriate.
* In a time of increasingly congested judicial dockets, often requiring long delays before trial and upon appeal, judicial resources have become scarce.
* Where a man has been convicted on several counts and sentenced concurrently upon each, and where judicial review of one count sustains its validity, the need for a review of the other counts is not a pressing one since, regardless of the outcome, the prisoner will remain in jail for the same length of time under the count upheld.
* Rather than permit other cases to languish while a careful review of these redundant counts is carried to its futile conclusion, judicial resources might be better employed by moving on to more pressing business. This is not a rule of convenience to the judge but rather of fairness to other litigants

**Dissenting Opinion** (Justice Harlan and Justice Stewart)

Justice Harlan filed the dissenting opinion, in which he was joined by. Justice Stewart.

* One of the bedrock rules that has governed, and should continue to govern, the adjudicative processes of this Court is that the decision of constitutional questions in the disposition of cases should be avoided whenever fairly possible.
* The Court decides, and I agree, that the petitioner's larceny conviction is not moot and that the concurrent sentence doctrine is not a jurisdictional bar to the entertainment of challenges to multiple convictions, so long as the convictions sought to be reviewed are not moot.
* In the trial of all criminal cases, the jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction.
* Hence, the petitioner's acquittal of larceny at his first trial may have rested solely upon that jury's unique view of the law concerning that offense and cannot be taken as having necessarily 'determined' any particular question of fact.
* The concurrent sentence doctrine is applicable only if there exists a valid concurrent conviction.
* The Court finds that resolution of the taint issue is likely to involve such difficult points of Maryland law as to make a remand to the Maryland courts the soundest course.
* The pertinent Maryland law is quite elementary.
* There was no real possibility of taint. Burglary in Maryland consists of breaking and entering any dwelling house in the night time with the intent to steal, take, or carry away the personal goods of another.