

**QUESTION 15 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V**

After an emergency 911 call was received regarding an unconscious female, the first to arrive at the residence was a private ambulance company. The driver hurried into the home to find the female laying motionless. The ambulance driver found no signs of life. Turning to the homeowner, the driver asked who the person was and what had happened. The homeowner said, "She's someone I met last night. She stayed over. I gave her some morphine to get high. She overdosed."

Next to arrive was a local police officer. Surveying the scene, he turned to the homeowner and asked if the morphine was the homeowner's. He said, "Yes, it was." He repeated what he had said to the ambulance driver.

A deputy sheriff then arrived on the scene and took over questioning the homeowner. When he again told the same story, the deputy sheriff directed the local police officer to remove the homeowner and place him in the officer's squad car. The officer handcuffed the homeowner, placed him in the back seat of his squad car, and locked him in there to return to the house.

Moments later, the deputy sheriff came to the squad car, told the homeowner that the girl was dead and asked about the morphine. At this point, the homeowner said, "Well I shouldn't have shot her up with so much morphine. I just wanted her to enjoy her high. I did the wrong thing."

The homeowner was then transported to the police station where two homicide detectives interrogated him after advising him of his *Miranda* rights. At the conclusion of the advice of rights, the homeowner said, "Well, is this when I'm supposed to ask for a lawyer?" In response to the question, one of the detectives asked, "Well, do you want a lawyer?" The homeowner responded, "Well isn't it always best to have a lawyer?" He then said, "Oh well, I'll talk to you." A full confession followed.

The homeowner was charged with delivery of drugs causing death. Prior to trial, defense counsel moved to suppress the defendant's statements that were made to the ambulance driver, the local police officer, and the sheriff's deputy because of a lack of *Miranda* warnings. Counsel also sought suppression of the confession to the homicide detectives because, although *Miranda* warnings were given, the detectives ignored the defendant's request for counsel by continuing to question him.

What should the court rule on the defendant's requests?  
Explain your answer.

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