

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

Prison inmate Josh James was serving the second year of his 5-to-15 year sentence at the Michigan Reformatory. State troopers suspected James in an unrelated gas station robbery committed before he had entered prison. James was escorted by a corrections officer from his prison cell to a conference room, where he was questioned by two state troopers about the robbery. The interrogation was lengthy, lasting almost three hours, but at no time was James given *Miranda* warnings. James was not told he did not have to speak with the troopers, but was told, more than once, he was free to return to his cell. The troopers were armed, but James was not held by restraints.

The conference room door was sometimes open and sometimes closed. A number of times James said he no longer wanted to discuss the matter with the troopers, but did not ask to go back to his cell. James eventually confessed to the robbery and the interview ended, but he had to wait another 20 minutes for an escort back to his cell. James was charged with the gas station robbery and the troopers were listed as prosecution witnesses to testify as to his confession. James' counsel moved the court to suppress the confession, contending that, because no *Miranda* warnings were given, suppression of the confession was required.

Discuss whether defense counsel's position has merit. If *Miranda* warnings were required, explain why, and the remedy for their absence. If not required, explain the rationale for your conclusion.

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