

## QUESTION 1

On April 10, a convenience store was robbed by someone carrying a gun. The store's video camera caught the robbery on tape. The tape was shown on the evening news.

On April 11, an anonymous caller contacted the police saying, "I saw that tape of the robbery. The robber kind of looks like Student. He's an 18-year-old student at the high school."

On April 12, two police officers took the tape to the high school and showed it to the principal, who said, "It could be Student. It's hard to tell because the tape is not clear." The tape was also shown to Student's homeroom teacher, who said, "It might be him, but I couldn't say for sure."

Later that day, the police officers went to the store where Student works after school. They asked the manager if they could talk with Student, who was called to the manager's office. The police introduced themselves to Student and said, "We'd like to talk to you." They walked with Student into the manager's office and shut the door. One police officer sat behind the manager's desk; the other, in full uniform with his revolver visible, sat near the door. Student sat between them. The manager's office measures eight feet by 10 feet.

The police officers told Student they wanted to ask him some questions about the convenience store robbery on April 10. Student said he knew nothing about a robbery. He continued to deny that he had any knowledge of the robbery for about 20 minutes. Student did not ask to leave, and neither police officer told Student he was free to leave.

After about 20 minutes, the police officers told Student that they had a videotape of the robbery and that they had shown it to three people, all of whom positively identified Student as the robber.

Student said nothing for a few minutes. One of the police officers then said, "You know, if we can tell the prosecutor that you cooperated, she might go a lot easier on you. I'd hate to see you end up doing a long stretch in prison. Let's just say it's not a nice place." Student then blurted out, "I did the robbery. I used a little air gun."

Immediately after Student made that statement, the police officers informed Student that he was under arrest for the robbery of the convenience store. They read him his *Miranda* rights. Student stated he understood his *Miranda* rights and told the police officers that he was not going to say anything more to them. The police officers placed Student in handcuffs and took him to the police station where he was booked for armed robbery.

Student had had two earlier brushes with the law. When he was 16, he had been found delinquent in juvenile court for auto theft and had been placed on supervision for one year. When he was 17, he had received a ticket for underage drinking and had paid a fine of \$150. He is a "C" student, but his teachers believe he is an "underachiever."

Student's defense attorney has filed a motion to suppress Student's statements on three grounds:

- (1) Student's statements were obtained in violation of Student's Fourth Amendment rights.
- (2) Student's statements were obtained in violation of his *Miranda* rights.
- (3) Student's confession was not voluntary.

How should the trial court rule on each of the grounds in the motion to suppress? Explain.