

## QUESTION 2

On Memorial Day, the county sheriff's department received an anonymous telephone call advising that Ryan Catwood was involved in the drowning death of Marissa Hooper, whose body had been found two weeks earlier floating in Pickwick Lake. The caller claimed that Ryan had drugged Marissa, carried her onto his bass boat, motored to a remote area of the lake, and dumped her into the water.

Deputies began looking for Ryan, and a radio dispatcher for the sheriff's department issued a BOLO (Be On the Lookout) for a green Explorer SUV registered to Ryan. Later that same day, Deputy Kenny Brisco spotted Ryan's SUV. Deputy Brisco stopped the vehicle and asked Ryan to follow him to the sheriff's department. Ryan did so. He was escorted to a small conference room and introduced to investigator Van Buren. Investigator Van Buren began by telling Ryan that he was not under arrest and could leave at any time.

When Van Buren broached the subject of Marissa's drowning, Ryan denied knowing her. Van Buren left the room and returned with a file. Without speaking, Van Buren began reading. After 10 minutes of silence, Van Buren commented aloud that, any minute, he was expecting to meet an eyewitness who had seen Ryan disposing of a body in Pickwick Lake. Ryan stood up, and Van Buren interjected, "Kid, this is your last chance to talk to me. I'm having the paperwork prepared to charge you with murder." Ryan started hyperventilating and pleading, "Please, don't do that. I'm sorry." Then addressing Van Buren, Ryan said, "I'm having a panic attack. I have got to get out of here!" Van Buren blocked Ryan's exit and told him, "Stay put; I'll call a doctor." Ryan sat down and began muttering that Marissa had threatened to leave him and that no other man was "good enough for her."

Van Buren left and returned with a corrections officer from the jail infirmary. Van Buren told Ryan that the corrections officer would escort him to the infirmary for a medical evaluation, but first, Van Buren advised Ryan of his *Miranda* rights. Ryan signed a rights acknowledgment and waiver form and asked to see a doctor. Without responding, Van Buren began questioning Ryan about when he last saw Marissa. Ryan asked, "Do I need a lawyer just so I can see a doctor?" He added, "Get me a cell phone." Van Buren asked why Ryan needed a cell phone, and Ryan looked at the corrections officer and said, "I'm through talking to that jerk. I want to see a doctor."

The corrections officer announced that he was leaving and would return promptly with a physician. Van Buren stared at Ryan and asked, "What can I do to get you to change your mind?" Ryan asked if Van Buren would "put in a good word" for him with the judge. When Van Buren responded that he would, Ryan broke down and gave a detailed confession of how he murdered Marissa.

Ryan was charged with premeditated, first degree murder, and you are the trial judge assigned to handle the case. Ryan's attorney has filed a motion to suppress any and all statements that Ryan made in Van Buren's presence.

Based upon the facts recited, answer the following questions:

(1) Should Ryan's statement, "Please, don't do that. I'm sorry," and his remarks about Marissa threatening to leave him and no other man "being good enough for her" be suppressed? Why or why not? Explain your answer in detail.

(2) What effect, if any, do Ryan's question about needing a lawyer and demand for a cell phone have on the admissibility of his subsequent, detailed confession? Explain your answer in detail.

(3) What effect, if any, do Ryan's statements to the corrections officer that he was through talking with the jerk, Van Buren, and wanted to see a doctor have on the admissibility of his subsequent, detailed confession? Explain your answer in detail.