

A man was in jail after being arrested for burglary. When the police attempted to question him, the man invoked his Miranda rights and refused to answer any questions. The man was subsequently tried, convicted, and sentenced to a prison term for the burglary. Three years later, while the man was serving his prison sentence for the burglary, a police detective from a nearby town questioned him about an unsolved homicide. The detective did not know that the man had invoked Miranda at an earlier time. The man waived his Miranda rights and made several incriminating statements to the detective. When he was later charged with the homicide, the man moved to suppress these statements, claiming that his earlier refusal to waive his Miranda rights should have been honored.

Should the court suppress the statements?

- A. No, because the detective was unaware that the man had originally invoked his Miranda rights.
- B. No, because the man's prior invocation of his Miranda rights did not preclude the later interrogation.
- C. Yes, because the man had earlier invoked his Miranda rights, and the police were not permitted to resume questioning, even after a time lapse of years.
- D. Yes, because the man was incarcerated, and his earlier invocation of his Miranda rights shielded him from further questioning until he was released.

Explanation:

A motion to suppress should be granted if the defendant's statement was taken in violation of his/her **Fifth Amendment privilege against self-incrimination**. To comply with this privilege, police must give a suspect **Miranda warnings** (eg, the right to speak to an attorney) before conducting a custodial interrogation. If the suspect invokes his/her right to counsel, any **custodial interrogation must stop until:**

the suspect's attorney is present

the suspect voluntarily reinitiates the interrogation *or*

14 days have passed since the suspect was **released from police custody** OR was no longer subject to coercive pressures associated with police custody (**Choices C & D**).

Here, the man invoked his Miranda right to counsel during a prior custodial interrogation, after which he was convicted and sent to prison (released from police custody). *Three years later*, a detective interrogated the man about a homicide. Since more than 14 days had passed since the man was released from police custody, the detective was free to question him after he waived his Miranda rights. Therefore, the man's motion to suppress should be denied.

(Choice A) An invocation of the right to counsel is valid against all police officers—including subsequent interrogators who are unaware of the invocation. Therefore, the court would not deny the man's motion to suppress merely because the detective did not know that the man had invoked his Miranda rights in a prior interrogation.

Educational objective:

When a suspect invokes his/her Miranda right to counsel, all police interrogation must stop until (1) the suspect's attorney is present, (2) the suspect voluntarily reinitiates the questioning, or (3) fourteen days have passed since the suspect was released from custody or free of coercive pressures associated with police custody.

References

U.S. Const. amend. V (privilege against self-incrimination).

Arizona v. Roberson, 486 U.S. 675, 682–85 (1988) (recognizing that the invocation of Miranda rights extends to interrogations about other crimes).

Maryland v. Shatzer, 559 U.S. 98, 110 (2010) (holding that a break in the chain of custody ends Miranda protection).

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