

A marijuana farmer had been missing for several months. The sheriff's department received an anonymous tip that a woman, the farmer's business rival, had buried the farmer in a hillside about 200 yards from the woman's farmhouse. Sheriff's deputies went to the woman's farm. They cut the barbed wire that surrounded the hillside and entered, looking for the grave. They also searched the adjacent fields on the woman's farm that were within the area enclosed by the barbed wire and discovered clothing that belonged to the farmer hanging on a scarecrow.

The woman observed their discovery and began shooting. The deputies returned the fire. The woman dashed to her pickup truck to escape. Unable to start the truck, she fled across a field toward the barn. A deputy tackled her just as she entered the barn. As the woman attempted to get up, the deputy pinned her arms behind her back. Another deputy threatened, "Tell us what you did with the farmer or we will shut you down and see your family on relief." The woman responded that she had killed the farmer in a fight but did not report the incident because she did not want authorities to enter her land and discover her marijuana crop. Instead, she buried the farmer behind the barn. The woman was thereafter charged with murder.

If the woman moves to suppress her admission about killing the farmer, how will the court likely rule on her motion?

- A. Deny the motion, because the deputy was in hot pursuit when he questioned the woman.
- B. Deny the motion, because the woman was questioned during an emergency police search.
- C. Grant the motion, because the statement was the product of the warrantless entry and search of the woman's farm.
- D. Grant the motion, because the woman did not voluntarily waive her right to silence.

Explanation:

A court should suppress any statement taken in violation of a defendant's **Fifth Amendment privilege against self-incrimination**. To safeguard this privilege, police must inform a suspect of his/her **Miranda rights** prior to a custodial interrogation (suspect in custody and subjected to interrogation). Once Mirandized, the suspect can waive those rights if the waiver is made:

knowingly – with a basic *awareness* of the rights

intelligently – with a basic *understanding* of the consequences of waiving them *and*

voluntarily – as the product of a free and deliberate choice, **not police coercion** (physical violence, threats, or deception used to force a suspect to waive his/her Miranda rights).

Here, a deputy tackled the woman and pinned her arms behind her back (custody). Another deputy demanded that she tell them what she did with the farmer (interrogation). Since the deputies did not inform the woman of her Miranda rights, she could not waive them. And since a deputy threatened her business and family unless she confessed (coercion), any waiver of her Miranda rights—including her right to silence—was involuntary. Therefore, the woman's confession was taken in violation of the Fifth Amendment and should be suppressed.

(Choice A) The hot pursuit doctrine lets police enter a private dwelling without a warrant to search for a fleeing suspect. But since this doctrine only applies to the Fourth Amendment prohibition against unreasonable searches and seizures, it does not apply to the Fifth Amendment privilege against self-incrimination at issue here.

(Choice B) Under the emergency search exception to the Fourth Amendment, police can conduct warrantless searches when a person is in imminent danger. Here, there was no emergency because the farmer had been missing for several months and the deputies thought he was dead. Therefore, this exception does not apply.

(Choice C) The **fruit of the poisonous tree doctrine** excludes evidence that stems from unconstitutional police actions like warrantless entries and searches of a person's home or curtilage—but not open fields. Since the deputies did not violate the woman's Fourth Amendment rights when they searched the adjacent fields on her farm, her statement was not the product of an unconstitutional search.

Educational objective:

Police must give a suspect Miranda warnings prior to a custodial interrogation. The suspect can then waive these rights if he/she does so knowingly, intelligently, and voluntarily—not due to police coercion.

References

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

Miranda v. Arizona, 384 U.S. 436, 444–45 (1966) (listing Miranda rights).

Colorado v. Spring, 479 U.S. 564, 574 (1987) (explaining that a waiver of Miranda rights must be made knowingly, intelligently, and voluntarily).

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