

Police detectives suspected that a man was involved in a homicide committed during a robbery of a convenience store but did not have enough evidence to obtain an arrest warrant. One morning, the detectives telephoned the man and asked if he would mind coming to the police station to talk. The man agreed and met the detectives that afternoon.

Ten minutes into the interview, the detectives told the man that he was identified as a "person of interest" in the convenience store robbery and homicide and asked the man if investigators would find his fingerprints on the cash register. Suddenly, the man confessed to the detectives that he had committed the robbery but added that the store clerk's death was accidental and occurred when his gun "just went off."

The man was indicted for felony murder.

If the man files a motion to suppress the introduction of his statement into evidence, how will the court likely rule?

- A. Deny the motion, because the man failed to invoke his right to remain silent during the interview with the detectives.
- B. Deny the motion, because the man freely and voluntarily made the statement and was not entitled to Miranda warnings.
- C. Grant the motion, because the custodial interrogation violated the man's rights to counsel and due process.
- D. Grant the motion, because the man was effectively in custody and entitled to Miranda warnings once he was identified as a suspect.

Explanation:

Statements taken in violation of a defendant's Fifth Amendment **privilege against self-incrimination** should be excluded from evidence at the defendant's trial. To comply with this privilege, police need only administer **Miranda warnings** before a **custodial interrogation**—ie, when a person is in custody and subjected to interrogation. A person is in **custody** when:

the person is placed under formal arrest (eg, arrest pursuant to a warrant or based on probable cause) *or*

the person's freedom of movement is restrained to such a degree that a reasonable person would not feel free to terminate the encounter (eg, physical restraint during questioning, told by officers not free to leave).

Here, the man went to the police station voluntarily (not under arrest) and could have terminated the encounter (no restraint). Therefore, he was not in custody, and being told by the detectives that he was a suspect in the robbery-homicide would not change that fact **(Choice D)**. As a result, he was not entitled to Miranda warnings. Accordingly, the man's voluntary admission that he committed the robbery was not taken in violation of the Fifth Amendment, and his motion to suppress will likely be denied.

(Choices A & C) Under the Fifth Amendment, a person may invoke the right to silence and the right to counsel when subjected to custodial interrogation. Here, the man was not in custody, so these rights were never implicated. Additionally, introducing his statement into evidence would not violate his due process right to a fair trial since the confession was given voluntarily—not by coercion.

Educational objective:

Miranda warnings are only required when a suspect is in custody and subjected to interrogation. A suspect is in custody when formally arrested or when the suspect's freedom of movement is so restricted that a reasonable person would not feel free to terminate the encounter.

References

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

Miranda v. Arizona, 384 U.S. 436, 469–72 (1966) (listing the warnings required prior to custodial interrogations).

Oregon v. Mathiason, 429 U.S. 492, 495–96 (1977) (explaining that custody requires a restriction on a person's freedom, not merely questioning at police station).

