

A wife was the prime suspect in the murder of her husband. The wife had called 911 and reported that her husband had discovered an intruder breaking into their home in the middle of the night, the husband had fought with the intruder, and the intruder had shot the husband. However, the police could find no evidence of a break-in or defensive wounds on the husband. As a result, a detective brought the wife to an interrogation room at the police station and questioned her for a number of hours. The interrogation was recorded. After claiming that she had not murdered her husband, the wife, who never received any Miranda warnings, finally voluntarily admitted that she had shot her husband. The wife was then charged with murder.

At trial, the wife took the stand and denied shooting her husband. In order to impeach the wife's credibility, the prosecution now seeks to introduce her previous statement made to the detective admitting that she had shot her husband. The wife's attorney has objected.

Is the wife's previous statement admissible?

- A. No, because the statement was made after the wife had been questioned for hours.
- B. No, because the statement was taken in violation of the wife's Miranda rights.
- C. Yes, because the statement was recorded.
- D. Yes, because the statement was voluntary.

Explanation:

To comply with the **Fifth Amendment** privilege against self-incrimination, police must give suspects **Miranda warnings** before a custodial interrogation. **Statements taken without** the issuance of **Miranda warnings** cannot be used directly in deciding ultimate issues of guilt or innocence. However, such statements can be **used for** the limited purpose of **impeaching** the **criminal defendant's inconsistent testimony** if they were **voluntary and trustworthy**.*

Here, the wife's previous statement—that she shot her husband—contradicts her present testimony denying that she did so. The wife voluntarily gave the statement, and there is no indication that the statement was coerced or otherwise untrustworthy. Therefore, the wife's previous statement is admissible to impeach her credibility even though the statement was taken in violation of her Miranda rights **(Choice B)**.

*This ensures that the government's use of unlawfully obtained evidence remains limited, while also preventing the defendant from using the government's mistake as a shield against untruthful testimony.

(Choice A) Although the wife had been questioned for a number of hours, there is no indication that she was exhausted or that her statement about shooting her husband was coerced.

(Choice C) The fact that the wife's statement was recorded has no bearing on its admissibility and therefore is not relevant to the analysis at hand.

Educational objective:

Statements taken in violation of Miranda cannot be used directly in deciding ultimate issues of guilt or innocence. However, such a statement can be used for the limited purpose of impeaching the criminal defendant's inconsistent testimony if the statement was voluntary and trustworthy.

References

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

Harris v. New York, 401 U.S. 222, 224–25 (1971) (discussing the use of statements taken in violation of Miranda for impeachment purposes).

Miranda v. Arizona, 384 U.S. 436, 468–70 (1966) (listing Miranda warnings).

Custodial interrogation (Miranda warnings required)

