

After reading a description of a person who had committed a rape, a parole officer noted that the description resembled one of his parolees. The officer called the parolee and asked him to drop by his office. The parolee came to the office and, after about 30 minutes of questioning, admitted having committed the rape. At no time did the officer give the parolee Miranda warnings.

The parolee was charged with rape and has moved to suppress his statement to the parole officer.

Should the court grant the motion to suppress?

- A. No, because a parolee has no privilege against self-incrimination.
- B. No, because the parolee was not in custody.
- C. Yes, because Miranda warnings are required before interrogation by law enforcement officers.
- D. Yes, because the parolee's statements were compelled, as he could reasonably believe that he was required to answer questions asked by his parole officer.

Correct

Collecting Statistics

01 min, 38 secsTime Spent

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Explanation:

A court should suppress an incriminating statement (eg, confession) taken in violation of the defendant's **Fifth Amendment privilege against self-incrimination**. To comply with this privilege, law enforcement officers must give **Miranda warnings** to a suspect before a **custodial interrogation**—ie, when the suspect is:

in **custody** – placed under **formal arrest OR restrained** in his/her freedom of movement to such a degree that a **reasonable person would not feel free to leave** *and*

subjected to interrogation – questions, words, or actions directed at a suspect that officers know or should know are likely to elicit an incriminating response.

A parolee is under a general obligation to appear and answer questions truthfully when summoned by a parole officer. But in *Minnesota v. Murphy*, the Supreme Court held that a parolee is *not* in custody in such a situation unless arrested or restrained. Therefore, the parolee here was not in custody when the parole officer asked the parolee to drop by his office and subsequently questioned the parolee. As a result, the court should deny the parolee's motion to suppress his statement to the parole officer that he committed the rape.

(Choice A) A parolee *does* have a privilege against self-incrimination but is only entitled to receive Miranda warnings when subjected to custodial interrogation (not seen here).

(Choice C) Miranda warnings are required before interrogation by law enforcement officers when the suspect is in custody (not seen here).

(Choice D) The fact that the parolee could reasonably believe that he was required to answer his parole officer's questions does not establish that he was in custody for custodial interrogation purposes. If the parolee felt that his statements were compelled, he would have needed to affirmatively assert his privilege against self-incrimination, which he failed to do.

Educational objective:

Law enforcement officers must administer Miranda warnings before custodial interrogations—ie, when a suspect is (1) placed under formal arrest or (2) restrained in his/her freedom of movement to such a degree that a reasonable person would not feel free to leave.

References

Minnesota v. Murphy, 465 U.S. 420, 433 (1984) (explaining that a parolee is not in custody when summoned to appear before a parole officer and is therefore not entitled to Miranda warnings).

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When Miranda warnings are required

