

The police obtained reliable information from an anonymous informant that a man with a reputation for violence operated a large cocaine-distribution network and kept an arsenal of weapons in his home.

One day, the informant told the police that a supply of cocaine had been delivered to the man's home and that it would be moved to a distribution point the next morning. The police obtained a valid search warrant to search for and seize the cocaine, and they went to the man's house.

The police knocked on the man's door and called out, "Police. Open up. We have a search warrant." After a few seconds with no response, the police forced the door open and entered. Hearing noises in the basement, the police ran down there and found the man holding a package of cocaine. They seized the package and put the man in handcuffs. The man cursed the police and said, "You never would have caught me with the stuff if it hadn't been for that lousy snitch!"

The man is charged with unlawful possession of cocaine. He moves pretrial to suppress the use as evidence of the statement he made.

How is the court likely to rule on the man's motion to suppress?

- A. Deny the motion, because the statement was the product of a lawful public safety search.
- B. Deny the motion, because the statement was volunteered.
- C. Grant the motion, because the entry by forcing open the door was not reasonable.
- D. Grant the motion, because the police failed to read the man his Miranda rights.

Explanation:

According to *Miranda v. Arizona*, a defendant's motion to suppress an incriminating statement should be granted if that statement was made when the suspect was in custody and interrogated without receiving **Miranda warnings**:

The suspect has the right to remain silent.

Anything said can be used against the suspect in court.

The suspect has the right to counsel prior to and during questioning.

The suspect has the right to an appointed attorney if he/she cannot afford one.

An **interrogation** occurs when police direct questions, words, or actions at a suspect that they know or should know are reasonably likely to **elicit an incriminating response**. Since **volunteered statements** (ie, spontaneous or unprompted remarks) are freely offered, they are not elicited by an interrogation. Therefore, volunteered statements are **admissible** even if the speaker had not been Mirandized.

Here, the man was in custody when the police apprehended and handcuffed him in his home. But his statement is admissible since he was not being interrogated when he *spontaneously* shouted, "You never would have caught me with the stuff if it hadn't been for that lousy snitch." Therefore, the police did not need Mirandize him and his motion to suppress the statement will likely be denied (**Choice D**).

(Choice A) Under the public safety exception, police do not need to Mirandize a suspect before an interrogation that is reasonably prompted by a public safety concern. Since the man's statement was not the product of an interrogation, this exception does not apply.

(Choice C) Forcible entry into a home to execute a warrant is reasonable if police first announce their presence and give the occupant a reasonable opportunity to open the door (knock and announce rule). However, police need not follow that rule if there is a credible threat of physical violence (eg, the man's violent reputation and weapons arsenal). Additionally, suppression is not a remedy for a violation of this rule.

Educational objective:

Volunteered (ie, spontaneous or unprompted) statements are not protected by Miranda and are admissible at trial because they are freely offered by the suspect—not elicited by police interrogation.

References

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

Miranda v. Arizona, 384 U.S. 436, 444–45 (1966) (listing the warnings required before custodial interrogation).

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Incriminating statements

Elicited statement



Custody + Interrogation
=
Miranda required

Volunteered statement



Custody + No interrogation
=
No Miranda required