

Police, who had probable cause to arrest a man for a series of armed robberies, obtained a warrant to arrest him. At 6:00 a.m. they surreptitiously entered the man's house and, with guns drawn, went to the man's bedroom, where they awakened him. Startled, the man asked, "What's going on?" and an officer replied, "We've got you now." Another officer immediately asked the man if he had committed a particular robbery, and the man said that he had. The police then informed him that he was under arrest and ordered him to get dressed.

Charged with robbery, the man has moved to suppress the use of his statement as evidence.

What is the man's best argument for granting his motion?

- A. He was not informed that he was under arrest until after he made the statement.
- B. The police did not give him the required Miranda warnings.
- C. The police did not have a search warrant authorizing entry into the house.
- D. The statement was not voluntary.

Explanation:

A motion to suppress an incriminating statement should be granted if police obtained that statement in violation of the defendant's constitutional rights—including the **Fifth Amendment privilege against self-incrimination**. To comply with this privilege, police must inform suspects of their **Miranda rights** before a custodial interrogation. A **custodial interrogation** occurs when a person 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 police know or should know are likely to elicit an incriminating response.

Here, the man was in custody when police surreptitiously entered his bedroom with guns drawn at 6:00 a.m. because a reasonable person would not feel free to leave. Police then interrogated the man by asking if he had committed a robbery *without* first Mirandizing him. Therefore, the best argument for suppressing his incriminating response is that the police did not give him the required Miranda warnings before the custodial interrogation.

(Choice A) Before interrogating a suspect in their custody, police need only inform the suspect of his/her Miranda rights—not that he/she is under arrest.

(Choice C) Police may lawfully enter a suspect's home if they have a valid **arrest warrant or search warrant**. Here, police had a valid arrest warrant that authorized them to enter the man's home, so they did not need a search warrant to do so.

(Choice D) A statement is involuntary if the totality of the circumstances—eg, level of police coercion, length of interrogation, suspect's characteristics, Miranda warnings—shows that it was the product of police coercion. Since challenging the voluntariness of a statement involves more factors than a Miranda challenge, this is not the man's best argument for suppression.

Educational objective:

Officers must administer the Miranda warnings before interrogating a suspect in custody. A suspect is in custody when he/she is placed under formal arrest OR police have restrained his/her freedom of movement to such a degree 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, 444–45 (1966) (listing the warnings required prior to custodial interrogations).

Orozco v. Texas, 394 U.S. 324, 327 (1969) (recognizing that suspect can be in custody in his own bedroom).

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Miranda custody requirement

Custody

No custody



Formal
arrest



Restricted
movement



Traffic
stop



Stop and frisk
(Terry stop)