

NMDPS - MIRANDA - SWAT

Defendant killed a man in Albuquerque and then barricaded himself in a motel room. He was suicidal and armed with guns and explosives. SWAT was called out. At least twenty police officers, including a sharpshooter, surrounded the motel.

SWAT made repeated phone calls and finally made contact with him. One officer said, "Why don't you tell me the story again. Start from the beginning." No Miranda warnings were given. Defendant made numerous incriminating statements. Are these statements admissible?

Miranda rights are required in a custodial interrogation, an interrogation done in an isolated environment controlled by the police. But that wasn't the situation here. Supreme Court held defendant was not in custody for Miranda purposes.

Defendant was not in the presence of an interrogating officer. The conversation was over a telephone which he could hang up at any time.

Murder conviction affirmed. It is not necessary to read Miranda rights over a telephone (since Defendant is not in custody). State v. Cooper (1997).

- - - ADA Elliott Guttman, Law Enforcement Academy



So he wants to confess? He don't need no Miranda, he's free to leave!