

## NMDPS - MIRANDA – CHILD – WAIVER

Honor among thieves? In Carlsbad, New Mexico, two juveniles committed a burglary. One juvenile was caught and named his friend (Child). They had been close friends before. Child was upset, believing “friends don’t rat on friends” and decided to do something. He killed him. After killing him, he poured gasoline over his (ex) friend to hide the body.

A Carlsbad Police officer went to Child’s house to arrest him. The officer informed Child and his father he needed to speak to Child about recent events. Child’s father asked if he needed to be present. The officer replied Child was sixteen and it was up to him.

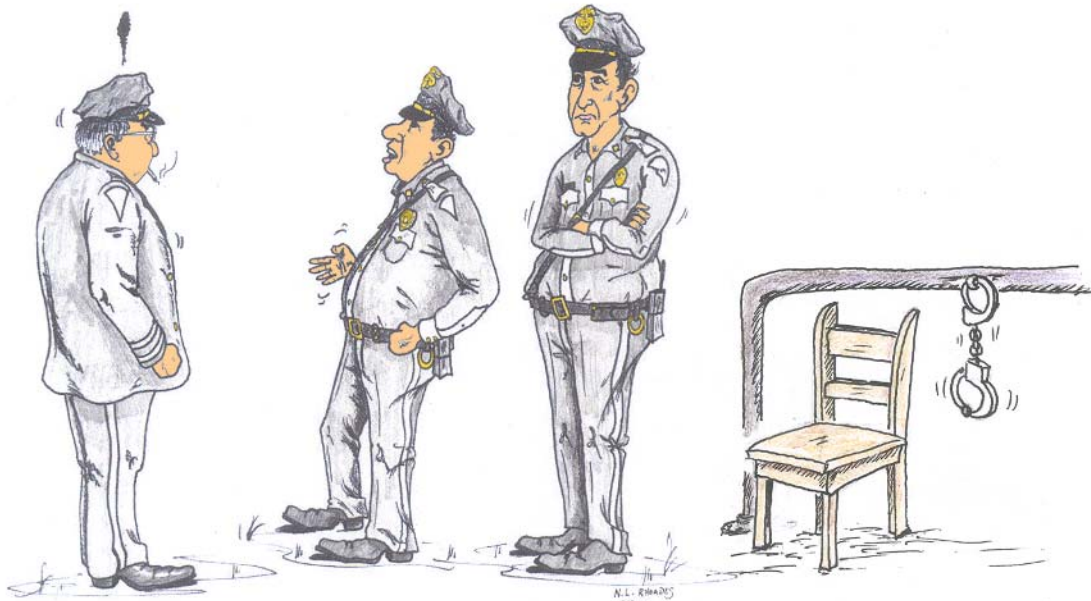
At the police station, Child was read his Miranda rights, including the following:

- You have the right to call your parents(s), guardian, or custodian.
- You have the right to have your parent, guardian or custodian or lawyer present during questioning.

Child signed the form. At no time did he ask to have his father or anyone else present. He confessed to murder.

A number of factors determine if a juvenile’s confession is voluntary; having a parent, guardian or custodian present is a factor but not mandatory. Supreme Court held confession was admissible. Child’s sentence, sixty years, was also upheld. State v. Gamble (2012).

--- ADA Elliott, Law Enforcement Academy



**Actually Captain, I thought he wuz watchin  
the prisoner and he thought I wuz...**