

Unmarked Opinions Activity

Yarborough v. Alvarado (2004)

After reading the **history, background, facts, issues, constitutional provisions, Supreme Court precedents, and arguments**, read Opinion A and Opinion B below. Choose which opinion you agree with and think should be the majority (winning) opinion and circle “Majority.” Choose which you disagree with and think should be the dissenting opinion and circle “Dissent.” Explain the reasons for your choices. After you have made your decision, compare your answers to those of the Supreme Court by reading the case summary.

Opinion A

The Supreme Court established the legal principle that juvenile defendants are, in general, more susceptible to police coercion than adults; as such, due process demands that a defendant’s juvenile status be taken into consideration when determining the proper procedural safeguards that attach to a custodial interrogation. During the last half century, the Court has consistently reaffirmed this principle. If a juvenile is more susceptible to police coercion during a custodial interrogation, then the same juvenile is also more susceptible to the impression that he is, in fact, in custody in the first instance.

Majority

But the lower court failed to address how Alvarado’s juvenile status, including the involvement of his parents at the behest of police, affected the “in custody” determination. Relevant Supreme Court precedents lead us to conclude that Alvarado’s youth and inexperience with the police are simply too important to be ignored. Miranda warnings should have been given before the interrogation took place. The Court of Appeals was correct in reversing the trial court’s conclusion that Miranda warnings were not required.

Dissent

Opinion B

The Court adopted *Miranda* to provide an additional degree of protection for the constitutional rights to counsel and against self-incrimination. It does this by prohibiting evidence of any confession given during a custodial interrogation from being heard at trial unless the defendant was made aware of his rights in advance. *Miranda* notices are only required when the defendant is in custody, and the goal of the protection is adequately served by an objective test for custody that focuses only on the restrictive circumstances of the interview, rather than on the suspect’s perceptions of them.

This Court has often noted that one of the principal advantages of *Miranda* is that it provides police and courts with clear guidance about how custodial questioning must be conducted for statements obtained to be admissible. Because of the considerable advantage afforded by the clear guidance *Miranda* provides, this Court has stated that the “simplicity and clarity of the holding of *Miranda*” are not to be compromised “absent a compelling justification.”

Majority

Dissent

The facts of this case make clear that respondent was not in custody at the time of his interview. There is no indication that he was present at the interview involuntarily, and he was not handcuffed, arrested, or told he was not free to leave. [Alvarado] was interviewed by a single officer and agreed at trial that the encounter was a “friendly conversation” and was not confrontational. Taken as a whole, the objective circumstances indicate that [Alvarado] was not subjected to the functional equivalent of a formal arrest. The Ninth Circuit misapplied the law in considering Alvarado’s age as part of the broader custody determination. Such consideration of age was beyond the clear weight of Supreme Court precedent, therefore the Ninth Circuit was wrong to upset the state court’s ruling. Alvarado’s conviction on the basis of his testimony is reinstated.

Yarborough v. Alvarado (2004)

Argued: March 1, 2004

Decided: June 1, 2004

Background

People suspected or accused of crimes have certain constitutional rights. The Fifth Amendment, for example, protects against self-incrimination, and the Sixth Amendment guarantees a right to the assistance of an attorney. To safeguard these rights, the Supreme Court ruled in *Miranda v. Arizona* that any person in police custody must be informed of these rights before interrogation. If the police fail to make a suspect aware of these rights, then any confession cannot be used at trial. This case, *Yarborough v. Alvarado*, is about whether a 17-year-old suspect who was not given a Miranda warning was in “custody” at the time he made his confession and, therefore, should have his confession excluded from trial.

Facts

In 1995, teenagers Michael Alvarado and Paul Soto attempted to steal a truck in a shopping mall parking lot in Santa Fe Springs, California. Alvarado approached the passenger side door and Soto, holding a .357 Magnum, approached the driver. The driver refused to give Soto the keys, so Soto shot and killed him. Alvarado then helped Soto hide the gun.

Both Alvarado and Soto were convicted of second-degree murder and robbery. Alvarado was convicted in large part because of incriminating statements he made about his involvement in the shooting during a two-hour interview with a police detective about a month after the murder. At the time of the interview, Alvarado was a 17-year-old high school student. The detective contacted Alvarado’s mother, who agreed to bring him to the police station for questioning. When Alvarado arrived with his parents, the detective denied the parents’ request to remain with their son during the interview. While they waited in the lobby, Alvarado was questioned alone. During the two-hour session, the detective twice asked Alvarado if he wanted to take a break. Alvarado admitted to his role in the killing, and at the end of the interview, he went home. Alvarado was never advised that he had a right to remain silent, to consult a lawyer prior to answering questions, or to leave the police station.

Following his criminal conviction, Alvarado petitioned the federal District Court. He argued that the detective violated the U.S. Supreme Court’s requirement in *Miranda v. Arizona* that he be advised of his rights. While the District Court denied Alvarado’s petition, the Ninth Circuit Court of Appeals reversed. The Ninth Circuit explained that Alvarado should have been given his Miranda warnings because he was in police “custody”—that is, a reasonable person of

Alvarado's age and inexperience would not have felt free to leave in his situation. Yarborough appealed to the U.S. Supreme Court, and it agreed to hear the case.

Issue

When deciding whether a suspect is in "custody" and, therefore, entitled to their Miranda warnings, must an officer consider the suspect's age and previous history with law enforcement?

Constitutional Provisions and Supreme Court Precedents

- **Fifth Amendment to the U.S. Constitution**

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ... nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

- **Sixth Amendment to the U.S. Constitution**

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

- ***Miranda v. Arizona* (1966)**

In 1963, Ernesto Miranda was arrested for kidnapping and rape. After being arrested, he was questioned by police for two hours and confessed in writing to the crimes. He was convicted and sentenced to 20 to 30 years in prison. Miranda appealed his case, arguing that his confession should have been excluded from trial because he had not been informed of his rights and had not been given the opportunity to have an attorney present during his interrogation.

The Supreme Court ruled for Miranda. It stated that no confession could be admissible under the Fifth Amendment's right to be free from self-incrimination and the Sixth Amendment's right to an attorney unless a suspect in "custodial interrogation" has been advised of and waived their rights. The Court added: "by custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way."

– ***Oregon v. Mathiason (1977)***

A police officer arranged to meet Carl Mathiason at a nearby police station because he had been identified by a burglary victim. The officer informed Mathiason that he was not under arrest but that he was a suspect in the burglary. During a 30-minute interview, Mathiason confessed. Mathiason claimed that his confession should have been excluded because he was not advised of his Miranda rights while in police custody.

The Supreme Court ruled against Mathiason, explaining that he was not in custody at the time of his confession. The Court noted that Mathiason had come voluntarily to the station, that he was told he was not under arrest, that the interview was only 30 minutes, and that he was allowed to leave at the end of the interview. The Court concluded that “police officers are not required to administer Miranda warnings to everyone whom they question” and there was “no indication that the questioning took place in a context where [Mathiason’s] freedom to depart was restricted in any way.”

– ***Thompson v. Keohane (1995)***

In 1986, two moose hunters discovered the body of a dead woman floating in a gravel pit lake near Fairbanks, Alaska. State troopers asked Carl Thompson, the dead woman’s husband, to come to police headquarters, where they questioned him for over two hours in a small room. The troopers told Thompson that he was free to leave but did not inform him of his Miranda rights. Thompson confessed to the killing, was convicted of murder, and appealed his case.

The U.S. Supreme Court did not decide whether Thompson was in custody; it left that decision to a lower court. But it outlined the guidelines the lower court must follow when conducting a custody inquiry:

“Two discrete inquiries are essential to the determination: First, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave. Once the scene is set and the players’ lines and actions are reconstructed, the court must apply an objective test to resolve the ultimate inquiry: Was there a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest?”

Arguments for Yarborough

- Like in *Oregon v. Mathiason*, Alvarado’s freedom was not restricted in any way. The police did not transport him to the station and did not threaten him with arrest. Alvarado’s parents were in the lobby, and Alvarado was free to leave at the end of the interview.
- A court should not take into account the suspect’s age. A new Miranda rule for juveniles, which requires police to adjust their custody analysis to take account of a juvenile’s age and experience, would complicate law-enforcement efforts, making it harder to solve certain crimes.

- In *Thompson v. Keohane*, the Court said that the custody test must be objective. It is completely subjective for police to consider age and experience in determining custody. It would be impossible to try to guess whether or not reasonable persons of different ages would feel like they could leave an interrogation.

Arguments for Alvarado

- A reasonable person in Alvarado's situation would not feel free to terminate the interrogation and leave. Alvarado was interviewed at the police station, the interview lasted two hours (much longer than the 30 minutes in *Oregon v. Mathiason*), and his parents were not allowed to participate in the interview. Even the detective asking if Alvarado wanted to take a break shows that the detective controlled the situation.
- Police officers must take into consideration the suspect's age. Juvenile justice experts have long emphasized that teens are developmentally different than adults and should be treated differently in the criminal justice system. Minors are generally less mature, more submissive in the face of police authority, and lack critical knowledge and experience compared to adults.
- Taking into consideration the suspect's age is still an objective test because it compares the juvenile to an average youth of the same age; it does not make an individual inquiry into the maturity and experiences of the particular juvenile. In other words, age is an objective fact that can be easily obtained by the police.