Recent Case Report

U.S. v. Revels

(10th Cir. 2007) __ F.3d __ [2007 WL 4443246]

ISSUE

Was the defendant "in custody" for *Miranda* purposes when officers questioned her inside her home?

FACTS

At about 6 A.M., seven ATF agents and Tulsa police officers went to the home of Marco Murphy to execute a warrant to search for cocaine. When no one responded to their knock and announcement, they entered forcibly, at which point they encountered Murphy and his girlfriend Shequita Revels. After handcuffing the pair, the officers conducted the search, which took about 30 minutes. Among other things, they found 251 grams of cocaine powder, 45 grams of crack cocaine, over $6,000 in cash, and a loaded semiautomatic handgun.

When the search was completed, three officers escorted Revels into a back bedroom where, after closing the door and removing her handcuffs, they asked if she "would be willing to cooperate" with their investigation. Revels responded by making "several incriminating statements." A few minutes later, an officer entered the room "conspicuously carrying a bag of cocaine" that had been discovered during the search. When Revels saw the cocaine, she said, "Oh, my god. I didn't know he had that much."

Before trial, Revels filed a motion to suppress her statements on grounds they were obtained in violation of *Miranda*. Specifically she contended that she was "in custody" when she was questioned and, therefore, the officers were required to obtain a waiver before questioning her. The court agreed, and the government appealed.

DISCUSSION

As discussed in *U.S.* v. *Colonna* (another case we reported on today), officers must obtain a *Miranda* waiver before questioning a suspect who is "in custody."[1] Furthermore, a suspect who has not been formally arrested is nevertheless "in custody" if a reasonable

[1] See *Stansbury* v. *California* (1994) 511 U.S. 318, 322 ["An officer's obligation to administer *Miranda* warnings attaches only where there has been such a restriction on a person's freedom as to render him 'in custody.'"]; *Illinois* v. *Perkins* (1990) 496 U.S. 292, 297 ["It is the premise of *Miranda* that the danger of coercion results from the interaction of custody and official interrogation."]; *People* v. *Mayfield* (1997) 14 Cal.4th 668, 732 ["In applying *Miranda*, one normally begins by asking whether custodial interrogation has taken place."].

person in his position would have believed that his freedom had been restricted to the degree associated with an actual arrest.[2]

Prosecutors argued that the officers who questioned Revels did not need a waiver for two reasons. First, she was not under arrest when they the agents questioned her; instead, they contended that she was merely being "detained." (This argument was presumably based on the fact that Murphy—not Revels—was the primary suspect.) Second, the questioning occurred in Revel's home, which is an inherently noncoercive location.

The court disposed of the first argument by pointing out that, although most detainees are not "in custody" for *Miranda* purposes, this is because the circumstances surrounding most detentions do not generate the coercive atmosphere that the *Miranda* procedure was designed to alleviate.[3] Thus, the issue is not whether the encounter can be characterized as a "detention," but whether the circumstances were sufficiently coercive. As the court put it, "[M]erely because a particular police-citizen encounter can be neatly packaged under the label 'investigatory detention,' it does not necessarily follow that police are freed of their obligation to inform the citizen of her rights under *Miranda* in appropriate cases."

As for the second argument, the court pointed out that, although the interview occurred in Revels' home, on this particular morning her home hardly qualified as the "traditional comfortable environment that we normally would consider a neutral location for questioning." On the contrary, said the court, "seven police officers abruptly roused Revels and Murphy from their bedroom after forcibly entering their home. Revels was immediately detained, restrained in handcuffs, and placed face down on the floor." In addition, the officers separated her from her children, moved her into a back room, and confronted her with the drugs they had discovered.

Consequently, the court ruled that "Revels would have reasonably felt compelled to cooperate with the police," and therefore her statements were properly suppressed. POV

[2] See *Yarborough* v. *Alvarado* (2004) 541 U.S. 652, 662 ["[C]ustody must be determined based on how a reasonable person in the suspect's position would perceive his circumstances."]; *Berkemer* v. *McCarty* (1984) 468 U.S. 420, 442 ["[T]he only relevant inquiry is how a reasonable man in the suspect's position would have understood his situation."]; *People* v. *Stansbury* (1995) 9 Cal.4th 824, 830 [the issue is "whether a reasonable person in the defendant's position would have felt he or she was in custody."].

[3] See *Berkemer* v. *McCarty* (1984) 468 U.S. 420, 440 ["The comparatively nonthreatening character of detentions of this sort explains the absence of any suggestion in our opinions that [detentions] are subject to the dictates of *Miranda*."]; *People* v. *Manis* (1969) 268 Cal.App.2d 653, 667 ["Temporary detention only slightly resembles custody, 'as the mist resembles the rain.'" Quoting from "The Day is Done" by Longfellow].