

People v. Case

(2018) __ Cal.5th __ [2018 WL 2448790]

Issues

Facts

At about 8 P.M., Case entered The Office bar in Sacramento County to rob the place. When he entered, the only two people in the bar were the bartender and a customer. Case brandished a .45 caliber handgun, ordered the bartender and customer into a restroom where he shot each of them twice in the head. After cleaning out the cash register (\$320), he went to the home of Mary Webster, a former girlfriend, and showed her a “big wad of money” and a .45 caliber handgun. Webster noticed that his shirt was “full of blood” and that his arms were saturated with “just layers and layers” of it. Case told Webster he had shot two men over a dispute over a card game and instructed her to get “rid of the stuff.” She put his gun in a closet and tossed his bloody shirt and boots in a dumpster at a nearby apartment complex.

The next morning, after Case had left, Webster phoned a Sacramento police detective she knew and told him what happened. The detective told her to retrieve the shirt and boots from the dumpster, then flag down a sheriff’s patrol car and explain the situation. She did as instructed and later repeated her story to two homicide detectives. She also agreed to accompany them to her home to recover the gun. But before leaving, she phoned her home because she wanted to talk with her son. But, surprisingly, it was Case who answered the phone. She signaled the detectives who recorded the call during which Case told her to get “rid of the stuff” and she assured him that she had already done so. The detectives then drove to Webster’s home, arrested Case and recovered the gun.

At the sheriff’s station, one of the detectives told Case that they were investigating a robbery and murder, and asked him if he was willing to talk about it. Case responded, “No, not about a robbery/murder. Jesus Christ.” The interview ended but, after obtaining some basic identification information from Case, the detective asked, “Care to tell us where you were at last night?” Case admitted that he was at The Office bar and that he had stayed there “[d]amn near all night until about 9 o’clock.”

Apparently concerned that he might have violated Case’s *Miranda* rights, he asked, “[L]et me see if I’m understanding something. When I advised you of your rights, you just didn’t want to talk about the murder and the robbery, but you wanted to talk about your alibi and that sort of thing; is that right?” Case’s response was nonsensical: “Well, that’s what it is, ain’t it?”

Case filed a motion to suppress his admission on grounds that he had invoked his right to remain silent when he told the detective that he didn’t want to talk “about the robbery/murder.” The motion was denied and Case’s statements were used against him at trial. He was found guilty and sentenced to death.

Discussion

In the past, the courts would rule that an invocation resulted whenever a suspect expressed any reluctance to discuss his case “freely and completely.”¹ This was illogical because a suspect’s refusal or reluctance to discuss a particular subject or answer a certain question does not necessarily demonstrate a desire to terminate the interview. Consequently, it is now the law that a suspect’s act of placing limits or conditions on an interview demonstrates a willingness to speak with officers if the officers accept his conditions.²

At the suppression hearing, the detective who questioned Case testified he thought Case’s refusal to talk “about a robbery/murder” was a limited invocation. Specifically, he testified that, although it was apparent that Case did not want to provide specifics about the physical act of committing the crimes, he was willing to talk about other matters, and that one such matter was Case’s whereabouts when the crimes occurred.

The court did not, however, address the issue of whether Case’s remark constituted a full or limited invocation.³ Instead, it ruled that, even assuming it was a limited invocation, the detective ignored Case’s request not to ask him questions about the robbery-murder when he asked where he was when the robbery-murder occurred. The court also ruled that the detective violated *Miranda* when he followed up Case’s response by asking, “Oh, you were there with your girlfriend?” to which Case made his most damaging admission, “Yeah, Damn near all night until about 9:00 o’clock. (As noted, the robbery-murder occurred about 8 o’clock.)

Accordingly, the court ruled that this admission was obtained in violation of *Miranda* because the detective was effectively asking Case “to talk about the robbery-murder—the very subject defendant told them he was not willing to speak about.” The court also ruled, however, that the error in admitting the statements was harmless in light of the overwhelming additional evidence of Case’s guilt. The court affirmed Case’s conviction and death sentence.

Comment

The court seemed skeptical about the detective’s testimony that he did not think Case had fully invoked. One reason for its skepticism was that the detective said at the suppression hearing that it was “his habit” to ignore *Miranda* invocations and continue the interview in order to obtain a statement that could be used to impeach the suspect at trial. In response, the court said, “Lest there be any doubt, we emphasize that the general tactic [the detective] described is clearly improper: Officers may not deliberately continue to question a suspect after the suspect has invoked his right to remain silent, no matter

¹ See, for example, *People v. Burton* (1971) 6 Cal.3d 375, 382 [an invocation occurs as the result of “[a]ny words or conduct which reasonably appears inconsistent with a present willingness on the part of the suspect to discuss his case freely and completely with police at that time”].

² See *Michigan v. Mosley* (1975) 423 U.S. 96, 103-4 [“Through the exercise of his option to terminate questioning [the suspect] can control the time at which questioning occurs, the subjects discussed, and the duration of the interrogation. The requirement that law enforcement authorities must respect a person’s exercise of that option counteracts the coercive pressures of the custodial setting.”]; *People v. Johnson* (1993) 6 Cal.4th 1, 25-26 [a suspect does not automatically invoke his rights “by imposing conditions governing the conduct of the interview”].

³ **NOTE:** If the court had addressed the issue, the following observation by the court indicates it would have ruled that Case had invoked fully: “Of course the detectives had just told defendant that he was there, handcuffed to a table, because they were investigating a robbery/murder. The robbery/murder was the only subject under discussion.”

how useful they might find the suspect's answers. . . . [I]t is unconscionable for police departments or supervisors to give contrary instruction or encouragement to the officers under their jurisdiction. Law enforcement agencies have the responsibility to educate and train officers carefully to avoid improper tactics when conducting custodial interrogations." [POV](#)

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