

Recent Case Report

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People v. Williams

(2010) 49 Cal.4th 405

Issue

In the course of an interrogation, did a murder suspect invoke his *Miranda* right to counsel?

Facts

At about 8 P.M., Joanne Lacey was driving home from work at a Post Office in downtown Los Angeles when she was involved in a traffic accident with David Williams. It was a minor collision, but when Ms. Lacey said she wanted to call the police, Williams forced her into her car at gunpoint and drove abducted her. Over the next few hours, he directed Ms. Lacey to withdraw money from an ATM machine, and to arrange for a friend of Ms. Lacey to meet her at a location in Altadena and give her \$500 in cash. The friend later told officers that, when she handed the money her, Ms. Lacey was accompanied by a man with shoulder-length black hair.

Williams then drove Ms. Lacey to Pasadena where he picked up a friend, Loretta Kelly. A little later, he forced Ms. Lacey into the trunk of the car and, using gasoline purchased by another friend—Margaret Williams—set the car ablaze. When firefighters extinguished the fire, they found Ms. Lacey's charred body in the trunk. They also found a .22-caliber revolver in the street near the car.

Four days later in Pasadena, homicide Det. John Knebel, received a phone call from a man named John Wright. According to Wright, his daughter was told by Margaret Williams that she "had been paid to purchase gasoline and to serve as a lookout while someone burned up an automobile." The next day, Det. Knebel arrested Margaret on a warrant for an unrelated assault charge. He then questioned her about the Lacey murder and learned that David Williams had visited her shortly after the murder, that his hand was burned and, when she asked what had happened, he said, "I burnt the bitch up." Det. Knebel arrested Williams later that day. He noticed that Williams had shoulder-length black hair.

About two hours later, Det. Knebel and Det. Lionel Salgado interviewed Williams at the police station. After Knebel advised Williams of his *Miranda* rights and after Williams confirmed that he understood his rights, the following (edited) exchange ensued:

Knebel: Do you wish to give up your right to remain silent?

Williams: Yeah.

Knebel: Do you wish to give up the right to speak with an attorney and have him present during questioning?

Williams: You talking about now?

Knebel: Do you want an attorney here while you talk to us?

Williams: Yeah.

Knebel: Yes you do?

Williams: Uh huh.

Knebel: Are you sure?

Williams: Yes.

Salgado: You don't want to talk to us right now?

Williams: Yeah, I'll talk to you right now.

Knebel: Without an attorney?

Williams: Yeah.

Knebel: OK, let's be real clear. If you want an attorney here while we're talking to you we'll wait till Monday [the interview occurred on a Saturday] and they'll send a public defender over, unless you can afford a private attorney.

Williams: No, I don't want to wait till Monday.

Williams then waived his right to counsel and, in the course of the subsequent interview, denied any involvement in the crimes. On Tuesday, Det. Knebel arranged for a physician to examine some burn marks on Williams' hand. After the examination, Williams said he wanted to talk with Knebel who began by reminding him of the *Miranda* rights he had waived on Saturday. Williams then admitted he had "participated" in setting fire to Ms. Lacey's car, but denied knowing she was in the trunk.

A few hours later, Knebel obtained another waiver and asked him about the handgun that was found at the murder scene. Williams admitted that it was his gun and, as the interview progressed, he confessed that he had robbed Ms. Lacey, kidnapped her, and doused her car with gasoline. But he claimed that Loretta Kelly had ignited the fire.

Williams' statements were used against him at trial, and he was convicted of capital murder, kidnapping for robbery, and arson causing great bodily injury. He was sentenced to death.

Discussion

Williams contended that his statements should have been suppressed because he had previously invoked his *Miranda* right to counsel as the result of the following exchange:

Knebel: Do you want an attorney here while you talk to us?

Williams: Yeah.

Knebel: Yes you do?

Williams: Uh huh.

In the abstract, these words would plainly have constituted an invocation. But in determining whether a suspect intended to invoke, his words must be considered in context; i.e., in light of what he said beforehand.¹ And here, Williams had said two things that indicated he did not intend to invoke.

First, just seconds earlier he showed no hesitation in waiving his right to remain silent. Second, as discussed earlier, when he was asked if he wanted to waive his right to counsel, he said, "You talking about now?" This response, said the court, could be reasonably interpreted to mean that he wanted to have an attorney present if one could be provided immediately; but when he learned that an attorney would not be available until Monday, he made it clear that he was willing to talk without one. As the court explained the situation:

[Defendant] had indicated to the officers that he understood his rights and would relinquish his right to remain silent. When asked whether he also would relinquish the right to an attorney and to have an attorney present during questioning, defendant responded with a question concerning timing. In light of

¹ See *Connecticut v. Barrett* (1987) 479 U.S. 523, 528 ["Nothing in our decisions or in the rationale of *Miranda*, requires authorities to ignore the tenor or sense of a defendant's response to these warnings."].

defendant's evident intent to answer questions, and the confusion observed by Knebel concerning when an attorney would be available, a reasonable listener might be uncertain whether defendant's affirmative remarks concerning counsel were intended to invoke his right to counsel.

Accordingly, the court ruled that because Williams' words did not constitute an invocation when considered in context, and because his words suggested some ambiguity—at least “sufficient ambiguity that a reasonable officer would be uncertain of defendant's actual intent”—it was appropriate for Det. Knebel to try to resolve the confusion by asking the two follow-up questions; i.e., “Are you sure?” and “You don't want to talk to us right now?” Furthermore, the court ruled that, because these questions resolved the ambiguity, and because Williams then waived his rights, his statements were obtained in compliance with *Miranda*.

Williams raised several secondary issues pertaining to the admissibility of his statement, but the court rejected them. It then affirmed his conviction and death sentence.

Comment

After *Mirandizing* a suspect, officers will ordinarily ask something like, “Do you understand the rights I have just read to you?” If he says yes, they will ask the waiver question; e.g., “Having these rights in mind, do you want to talk with us now?” In the past few years, however, officers have sometimes split the procedure into two parts. For example, they might advise the suspect of his right to remain silent, then ask if he understands that right and, if so, whether he wants to waive it. If he says yes, they will advise him of his right to counsel and repeat the process.

There is, however, no legal or logical reason to complicate the waiver process by seeking two separate statements of understanding or two separate waivers. On the contrary, it requires that the suspect make two critical decisions instead of one. And this may induce an invocation or, as here, produce a problematic situation in which officers must attempt to clarify a potential invocation. Experience has shown that the most effective way to comply with *Miranda* is to keep it simple. POV