

Recent Case Report

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People v. Bradford

(2008) 169 Cal.App.4th 843

Issue

Should a murder defendant's confession have been suppressed because the officer who questioned him neglected to advise him that anything he said could be used against him in court?

Facts

Bradford shot and killed Dale Jones during an argument in Jones' home in Richmond. Later that day, Bradford was arrested and interrogated. The officer who questioned him did not, however, furnish him with a standard *Miranda* warning. Instead, the following excerpts indicate that the officer attempted to avoid doing this by having Jones acknowledge that he understood his rights:

- **Officer:** Well, you've been arrested before. You know how this game works, right?
Suspect: Never like this before, though.
- **Officer:** I want to talk to you about [the shooting]. Before I do—you watch television right? You watch cop shows?
Suspect: Yes, sir.
- **Officer:** What happens when people get arrested on cop shows?
Suspect: It seem like this a halfway trick question. They interview them.
- **Officer:** Well, sure, but I mean what happens before they get interviewed? They go, you got the right, right?
Suspect: To remain silent. They gives you your rights?
- **Officer:** Right. Have you ever had that done to you before?
Suspect: My rights read to me? Of course.
- **Officer:** And you understand those rights?
Suspect: Yes, I do.
- **Officer:** Didn't have any problem understanding what that meant when they said you have the right to remain silent?
Suspect: No.
- **Officer:** Didn't have any problem understanding what that meant when they said you have the right to an attorney?
Suspect: All that, I know.
- **Officer:** And didn't have a problem understanding what they meant when they said you have the right to have an attorney present with you before and during any questioning?
Suspect: Un-huh.

- **Officer:** But if you so desired but could not afford one, an attorney would be appointed to represent you at no charge?

Suspect: Uh-huh.

The interrogation then proceeded, and Bradford eventually confessed. At trial, his confession was used against him, and he was convicted of second-degree murder.

Discussion

On appeal, Bradford argued that his confession should have been suppressed because the officer neglected to inform him that anything he said could be used against him. The court agreed.

Although Bradford had said he understood his rights, and although some of the things he said during the interview indicated that he knew he might be incriminating himself, the court noted that the United States Supreme Court in *Miranda* ruled that each of the four warnings was an “absolute prerequisite” to the admission of an incriminating statement, and that “[n]o amount of circumstantial evidence that the person may have been aware of this right will suffice to stand in its stead.”¹

The court in *Bradford* acknowledged that the courts, in applying the *Miranda*, “have permitted officers some latitude in the manner in which the *Miranda* warnings are delivered.” But it added that “we are unaware of any post-*Miranda* decision that has permitted the admission of a defendant’s statements in the absence of a showing that a recognizable version of each of the four warnings was provided to the suspect.”

Consequently, the court ruled that Bradford’s confession should have been suppressed because “it was not even hinted to defendant that his statements might later be used against him; the issue was not mentioned at all.” POV

¹ Citing *Miranda v. Arizona* (1966) 384 U.S. 436, 469, 471-2, 476.