

## People v. Henderson

(2020) \_\_ Cal.5th \_\_ [2020 WL 4355709]

### Issue

Did an officer violate *Miranda* in obtaining a confession from a murder suspect?

### Facts

Reginald and Peggy Baker, an elderly couple, were watching television in their Cathedral City mobile home when Paul Henderson broke in and shouted, “Don’t yell or scream and no one will get hurt.” After Henderson tied them up, ransacked their home, and took the couple’s “bingo money,” he killed Mr. Baker and tried to break Ms. Baker’s neck. She survived because she played dead. Henderson fled in the Baker’s car. He was later arrested after a resident of a homeless shelter notified officers that Henderson, who was a fellow resident, admitted to him that he had committed the crimes.

Two Cathedral City officers interrogated Henderson at the police station. Henderson waived his *Miranda* rights and eventually admitted that he was in Cathedral City when the crimes occurred. But when he was asked if he was at the trailer park, he replied, “Um, there’s some things that I, um, want un . . .” An officer then asked Henderson if he had gone into the trailer park on the night of the murder. Henderson responded, “Uh, want to speak to an attorney first because I take responsibility for me, but there’s other people that . . .” Henderson did not finish the sentence because one of the officers interrupted him and asked if he was accepting responsibility for what happened to the Bakers. The interview continued, and Henderson eventually confessed. When his motion to suppress his confession was denied, the case went to trial and he was found guilty. He was sentenced to death.

### Discussion

It is basic *Miranda* law that officers must terminate a custodial interrogation of a suspect who invokes his right to counsel. It is also settled that an invocation will not result if the request for counsel was equivocal or ambiguous. Prosecutors argued that Henderson’s words were ambiguous because they could be interpreted to mean he was willing to talk about *his* actions that night, but he did not want to talk about the actions of the “other people.”

The California Supreme Court acknowledged that “various cases have held that a suspect’s use of equivocal words or phrases does not constitute a clear request for counsel.” For example, it pointed out that statements such as the following have been deemed equivocal: “Maybe I should talk to a lawyer,”<sup>1</sup> “If you can bring me a lawyer . . .”<sup>2</sup> “I think it’d probably be a good idea for me to get an attorney,”<sup>3</sup> and “I think it’s about time for me to stop talking.”<sup>4</sup>

The question, then, was whether Henderson’s request for an attorney was ambiguous. Obviously, it wasn’t. As the court pointed out, Henderson “used no such equivocal language here. He clearly stated ‘I want to speak to an attorney first.’” Accordingly, the

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<sup>1</sup> *Davis v. United States* (1994) 512 U.S. 452, 462.

<sup>2</sup> *People v. Saucedo-Contreras* (2012) 55 Cal.4th 203, 219.

<sup>3</sup> *People v. Bacon* (2010) 50 Cal.4th 1082, 1105.

<sup>4</sup> *People v. Stitely* (2005) 35 Cal.4th 514, 535.

court ruled that Henderson's confession was obtained in violation of *Miranda*, and it overturned his conviction.

In a concluding statement, the court said, "To be clear, after being admonished and waiving their rights, suspects may give halting or reluctant answers. They may give responses that the questioners suspect are false. Officers are permitted to encourage a subject to talk and to challenge statements as untrue. What they cannot do is brush aside a clear invocation." POV

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