

People v. Suarez

(2020) 10 Cal.5th 116

Issues

(1) Did exigent circumstances justify a warrantless entry into a murder suspect's trailer? (2) Did deputies violate *Miranda* when they questioned the suspect?

Facts

Suarez was a seasonal worker at a ranch in Placer County where he lived in a trailer. His two brothers-in-law, Jose and Juan Martinez, along with Jose's wife Y.M., visited him on a Sunday afternoon. The purpose of the visit was to allow Jose to borrow Suarez's car on Monday to keep an appointment with immigration authorities. The brothers were accompanied by Jose's two children, 5-year old J.M. and 3-year old A.M. The men spent most of the day out on the ranch, while Y.M. stayed in or near the trailer with her children.

Although Suarez seemed friendly at first, he was seething because Y.M. had previously refused to have sex with him. Whether this was the motive for what happened next is not known. What is known is that while the men were out on the ranch property, Suarez shot Jose and Juan multiple times in the head. He then returned to the trailer where he confronted Y.M., put a rope around her neck, dragged her inside and tied her with duct tape. The children, who had been playing Nintendo, were terrified and begged Suarez to stop. Instead, he put a chain around her neck, tied her wrists behind her back, and tied her feet. He then raped her. At some point, Y.M. lost consciousness, and when she awoke, the children were gone. She untied herself and ran to a nearby home. A resident called 911.

When Placer County sheriff's deputies arrived and learned what had happened, they entered Suarez's trailer and conducted a "quick walk-through" to see if he or any of the other family members were inside. They weren't. The deputies did, however, see a rifle and shotgun, which they seized. They also found duct tape, expended casings, and other evidence, outside. The deputies then expanded their search and, about one quarter of a mile away, found "an area of freshly moved dirt that appeared to be a grave." They dug it up and found the bodies of Jose, Juan, and the two children. The children had been bludgeoned.

Suarez fled to Wilmington in Los Angeles County where he stayed with friends. He admitted he had killed Jose and Juan, but he claimed it was in self defense. He said he had killed the children because "they had been crying and he had been nervous." Investigators from Placer and Los Angeles counties tracked Suarez to his friends' home where they arrested him. They initially took him to the Long Beach police station for questioning where Suarez waived his rights and confessed to the murders. He was then taken back to Placer County and, during another interview, provided more details.

Suarez filed a motion to suppress the evidence found in his trailer and his confessions. The motion was denied and Suarez was convicted of murder and other felonies. He was sentenced to death.

Discussion

This was an unusual case because most—if not all—of the evidence that Suarez sought to suppress was probably superfluous in light of his confessions to deputies in

Long Beach and to his friends in Wilmington, plus an abundance of other incriminating evidence. Still, there were two legal issues for the court to resolve.

SEARCH OF THE TRAILER: Suarez argued that the warrantless search of his trailer was unlawful because there were no exigent circumstances. This argument was frivolous. As the trial judge in Placer County observed, “there was a fresh report of a violent assault and the suspect and his family members, including children, were missing.” The California Supreme Court agreed, also pointing out that the deputies did not conduct an unrestricted search of the trailer but, instead, had properly confined their initial search to places in which a person might be located. The court also ruled that the deputies were justified in seizing the rifle and shotgun in the trailer “to prevent Suarez from using them against law enforcement or anyone else.”

Prosecutors also argued that Suarez had effectively abandoned his trailer when he fled to Los Angeles County, and he therefore did not have a reasonable expectation of privacy as to the evidence he left inside. Although this was a valid argument, the court did not address it because the search was plainly justified by exigent circumstances.

MIRANDA: Suarez also argued that his confessions to the detectives after he arrived back in Placer County should have been suppressed because, although he had waived his rights in Long Beach, they did not re-*Mirandize* him before they reinitiated questioning in Placer County.

Although *Mirandizing* is required whenever officers interrogate a suspect in custody, they are not required to re-*Mirandize* a suspect after every break or interruption in the proceedings. Instead, a single warning at the start of the interview will suffice if it was “reasonably contemporaneous” with the resumption of the interview. As the court observed in *People v. Braeseke*, “A *Miranda* warning is not required before each custodial interrogation; one warning, if adequately and reasonably contemporaneously given, is sufficient.”¹

What does “reasonably contemporaneous” mean? It essentially means that circumstances surrounding the pre- and post-break interviews were so similar that a reasonable person in the suspect’s position would have understood that he still had all of the rights he had previously waived. For example, the courts will consider whether the topics of the two interrogations were the same or different, whether the interrogations occurred at the same or different locations, whether the same officers conducted both interviews, and the amount of time that elapsed between the two interviews. In *Suarez*, the topics under discussion were the same, and both interviews were conducted by Placer County deputies. On the other hand, the interviews occurred in different places and cities, and the amount of time between the interviews was 14 hours—which is a significant amount of time.

There was, however, one additional circumstance: Before the deputies began the second interview, they confirmed with Suarez that he remembered the rights he had previously waived. As the court pointed out, before the second interrogation began, one of the deputies “showed Suarez the form he had signed the day before and asked whether he recalled and understood it and whether they could talk. Suarez nodded his head,” and the interview proceeded. Accordingly, the court ruled “that the Placer County interrogation was reasonably contemporaneous with the earlier advisement and waiver in

¹ (1979) 25 Cal.3d 691, 701-2. Also see *People v. San Nicolas* (2004) 34 Cal.4th 614, 640 [“[W]here a subsequent interrogation is ‘reasonably contemporaneous’ with a prior knowing and intelligent waiver, a readvisement of *Miranda* rights is unnecessary.”].

Long Beach, and no *Miranda* readvisement was necessary at the outset of the Placer County interrogation.”

For these reasons, the court ruled that deputies did not violate Suarez’s constitutional rights, and it affirmed his conviction and death sentence. POV

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