

Juvenile Interrogation Scenarios – Group 1

1. Do these facts constitute custody?

An off-duty detective and a sergeant with the Sheriff's office respond to a call reporting that gunshots had been fired into a home. They determined that shots originated from the house across the street based on the angle of how bullets entered the home. As they approached the house across the street, they encountered a 14-year-old outside. They asked him if his mom was home, and the juvenile went inside and told his mom the officers were outside. The officers told mom what happened and asked if the juvenile had been outside shooting. Mom said no at first and then said that she had left for a short time to pick up her husband. Officers asked the juvenile in front of his mom if he had fired the gun that day and he said no. Mom agreed to let the officers search the area outside the home. They found spent shotgun shells on the front porch. They determined that there was a direct line of sight from the porch to the home that the shots were fired into, with a birdhouse in between. The officers then told dad what they found and he said he figured his son had done it. The officers told dad they were going to speak briefly with the juvenile outside and dad told the juvenile to go with them and to be truthful. The officers asked the juvenile to speak with them and he agreed. They told the parents that they could accompany the juvenile outside with them, but the parents said nothing and stayed inside with the door shut.

The officers and juvenile talked for about 5 minutes, about 10 feet outside the home. Everyone stood at arm's length. Both officers were armed and neither touched nor made a movement toward their weapons. The juvenile was not placed under arrest, handcuffed, or searched. The juvenile was not told he was free to leave and not advised of his Miranda and 7B-2101 rights. The juvenile never indicated he did not want to speak, asked to leave, or requested to speak with anyone else. The officers told the juvenile that the available information suggested that someone fired a gun from his home to the home across the street and asked him if he did it. The juvenile admitted to firing the shot and said he was aiming for the birdhouse across the street. He admitted to firing five or six shots in the direction of the birdhouse. He then wrote a statement to that end.

2. Do these facts constitute interrogation?

A 16-year-old was implicated by another suspect in a robbery and severe beating of a man who then died. The police picked him up at his home and drove him to police station. Officer read him his juvenile rights on the way to the station. When they arrived at the station, they took him to the Chief's office and read him his rights again. The juvenile then requested his mom's presence during questioning.

The officers stopped the interview and attempted to locate the mom. The juvenile said she was at the jail in Gastonia on another matter. An officer called the jail twice and was told the mom had not arrived. The officer decided to drive to Gastonia to locate mom and obtain a search warrant for the juvenile's house.

While that officer was trying to locate mom, another officer returned to the room with the juvenile and told him that he wanted to explain some things and asked the juvenile not to say anything. The Chief then entered the room, the officer introduced the juvenile and the chief and told the chief that the juvenile had his rights read to him and had requested his mom. The Chief asked the juvenile if he wanted to straighten this out and talked briefly with him. There was not further conversation between the juvenile and the Chief.

The officer left the room and then returned. On return the officer told the juvenile that the crimes being investigated were serious, if the victim died it could be murder, that another suspect had implicated him and would testify against him, that he wanted the juvenile to tell the truth, and that a confession could be considered a mitigating circumstance by the judge.

The juvenile then said that he wanted to make a statement and did not want his mom present. He was advised of his rights a third time, said he understood and signed waiver of rights form, and confessed to the crime.

3. Do these facts constitute a valid waiver of rights?

A 16-year-old suspected of breaking and entering was questioned by a detective at the police station. He was given two Juvenile Waiver of Rights forms, one in English and one in Spanish. An officer read the rights on the form in English to juvenile and paused after each one to ask if he understood. The juvenile initialed each enumerated right on English form. He also initialed next to the waiver of the right to have parent present. The words "I Do wish to answer questions now" were circled. Defendant signed the form, and the detective began interrogation. The transcript of the proceeding indicated that the juvenile gave an affirmative response to understanding the rights after they were read to him in all but two instances. The other responses were not intelligible. The detective testified that he understood her. After signing the form the juvenile asked to call his mom. The detective provided the juvenile a phone and stepped out of the room as he placed a call. He did not reach his mom, but spoke to someone else in Spanish. The detective returned to the room after the call ended and resumed questioning. The Court of Appeals already determined that the request to call his mother was not an invocation of his right to have his mother present. Did the juvenile knowingly, willingly, and understandingly waive his juvenile right to remain silent?