





DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 261
October 29, 2002

FAILURE TO GIVE MIRANDA WARNING DID NOT NEGATE SUBSEQUENT CONFESSION

Reference: Gregory J. Beaudoin

V.

State of Alaska

Alaska Court of Appeals Opinion No. 1837

____P.2d_

October 25, 2002

FACTS:

In 1995, Beaudoin was struck by a motor home; the resulting brain injury left him permanently disabled and mentally ill. In 1997, Beaudoin argued with his mother and fatally stabbed her. Beaudoin called 911 to report what he had done and to request help for his mother.

Beaudoin stayed on the phone with the 911 operator and later confessed to a number of the first responders, which included the EMTs, a private security guard and the first officer to arrive. The first officer, who is referred to as a "rookie," put Beaudoin in his patrol car and began to interview him. The "rookie" failed to give Beaudoin the Miranda warning. Shortly thereafter, a uniformed Sergeant arrived and did give Beaudoin the Miranda warning.

Beaudoin was then transported to the police station and released to an investigator, who also gave Beaudoin the Miranda warning. Beaudoin furnished statements, either verbal or written, to all of the officers.

ISSUE:

Does a confession obtained in violation of <u>Miranda</u> taint any subsequent confessions given by the suspect after receiving <u>Miranda</u> warnings?

HELD: No.

REASONING:

- $\underline{1.}$ Beaudoin freely and repeatedly confessed to several people before he was taken into custody and questioned by the "rookie" in the patrol car.
- $\underline{2.}$ Beaudoin's un-Mirandized conversation with the "rookie" was a minor interruption in what was otherwise a stream of legally obtained confessions.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section P, "Right to Counsel and Waivers During Custodial Interviews," of your Contents and Text. File Legal Bulletin No. 261 numerically under Section R of the manual.