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# DPS TRAINING BULLETIN

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LEGAL BULLETIN NO. 124  
July 1, 1988

## RIGHT TO COUNSEL DURING CUSTODIAL INTERROGATION

Reference:                                 Arizona                                 United States Supreme Court  
  v.   56 USLW 4590 (No. 87-354)  
  Ronald William Roberson             June 15, 1988

### FACTS:

Roberson was arrested for burglary on April 16, 1985. When he was advised of his Miranda rights, Roberson said he wanted a lawyer before answering any questions. On April 19, Roberson was contacted in jail by another officer who was unaware that Roberson had requested counsel three days earlier. The officer advised Roberson of his Miranda rights and questioned him regarding his involvement in a different burglary. Roberson admitted his involvement and gave the officer a statement.

### ISSUE:

Can the statement surrounding Roberson's involvement in the different burglary be used?

HELD: No.

### REASONING:

1. If the individual states that he wants an attorney, the interrogation must cease until an attorney is present or the defendant initiates contact with the police (emphasis added).
2. Giving fresh Miranda warnings will not necessarily "reassure" a suspect, who has been denied requested counsel, that his rights have not been confined.

### NOTES:

It is recommended that you review Section P of the manual, as well as the following cases in particular:

Hampel v. State, Legal Bulletin No. 97--police failed to provide lawyer or stop interview when defendant asked for lawyer and the statement was suppressed.

Smith v. Illinois, Legal Bulletin No. 89--defendant requested counsel, but interrogation continued and statement was suppressed.

Edwards v. Arizona, Legal Bulletin NO. 48--police initiated contact with defendant who had earlier requested counsel.

Oregon v. Bradshaw, Legal Bulletin No. 74--defendant initially requested counsel, then changed his mind and initiated contact with police.

Sheakley v. State, Legal Bulletin No. 55--defendant initially requested counsel, but initiated contact with police the following day.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEF MANUAL:

Add this case to Section P on Page 13 of your "Contents" and to Section P on Page 5 of "Text". File Legal Bulletin No. 124 numerically under Section R of the manual.