



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 266

April 18, 2003

VOLUNTARY CONFESSION OF A JUVENILE

Reference: Eugene Carey Vent
v.
State of Alaska

Alaska Court of Appeals
Opinion No. 1864
_____ P.2d _____
April 11, 2003

FACTS:

Vent, 17 years and 11 months old at the time, was arrested with several co-defendants for the murder, robbery and sexual assault of a fifteen-year-old boy.

Police interviewed Vent on three separate occasions. He was a juvenile at the time. After his conviction, he raised a number of issues involving Miranda and the voluntariness of his confession. The judge ruled that Vent had made a statement that might have been a declaration of a desire to terminate the first interview, which lasted about two hours. Consequently, the judge suppressed part of that first interview.

The second interview occurred about four hours after the first one and after Vent had slept. The third interview was held about five hours after the second one. Vent had both eaten and slept between the second and third interviews. Police lied to Vent when they told him they had discovered blood splatters on his clothing--no such evidence existed.

After considering that Vent was a juvenile when arrested and that he had spoken with his mother during the interviews, the judge ruled that Vent had properly waived his Miranda rights; therefore, his subsequent confession was voluntary.

Since the judge suppressed part of the first interview, Vent argued that all subsequent interviews were tainted.

ISSUE:

Prosecution must prove the voluntariness of the confession by a preponderance of the evidence and the State assumes a particularly heavy burden of proof when the accused is a juvenile. Did the State meet this burden?

HELD: Yes--confessions two and three were good ones.

REASONING:

1. The statements Vent made in the second and third interviews were sufficiently separate and were acts of free will that purged any violation of his right to remain silent that had occurred during his first interview.

2. Vent was 17 years and 11 months old, and was a bright young man who was lucid and alert during the interviews; he did not demonstrate any mental impairment.

3. There was no evidence of physical deprivation, threats, mistreatment, or inducements. Police also had allowed Vent to contact his mother.

4. The fact that the judge suppressed portions of Vent's first interview did not require the exclusion of the second and third interviews.

5. Although police misled Vent about the strength of the case against him in order to induce him to talk, this practice was not unusual or illegal and did not overbear Vent's will.

NOTES:

In this case, the defense also wanted to call Dr. Richard Leo as an expert on police interrogation practices and the risk of false confessions. After a lengthy hearing, the judge disallowed this testimony because it "would not

appreciably aid the jury in determining whether Vent made a false confession."

Review is recommended of the part of the court's Opinion that discusses the "psychology of police interviews." A number of court cases dealing with police interviews are cited in this segment of the Opinion.

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. 266 numerically under Section R of the manual.