



Alvarado had never been advised of his Miranda during the interview. Several months after the interview, Alvarado was charged and subsequently convicted of the homicide.

**ISSUE:**

For purposes of Miranda, was Alvarado in custody during the interview?

**HELD:** No.

**REASONING:**

1. The Miranda custody test is an objective test requiring two essentials: (a) the circumstances surrounding the interrogation, and (b) given those circumstances, whether a reasonable person would have felt free to terminate the interrogation and leave. (emphasis added)

2. "Custodial interrogation" means questioning initiated by law-enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. (emphasis added)

3. A policeman's unarticulated plan has no bearing on the question of whether a suspect was in custody at a particular time.

4. Our U. S. Supreme Court opinions applying the Miranda custody test have not mentioned the suspect's age, much less mandated its consideration.

**NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:**

Add this case to Section P, "Right to Counsel and Waivers During Custodial Interviews (Selected Juvenile Cases)," of your Contents and Text. File Legal Bulletin No. 281 numerically under Section R of the manual.