

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.