



# DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 108  
February 21, 1987

(Cross-reference Legal  
Bulletin No. 95)

## KNOWING AND INTELLIGENT WAIVER OF MIRANDA BY JUVENILE

Reference: State of Alaska  
v.  
James A. Ridgely, Jr.

Alaska Supreme Court  
Opinion 3156  
P.2d  
February 13, 1987

### FACTS:

The facts in this case are described in Legal Bulletin No. 95--  
Ridgely, Plumley and Bosch v. State. You should read the facts  
outlined in Legal Bulletin No. 95 and indicate on your copy, "Case  
was REVERSED--Refer to Legal Bulletin No. 108."

The Court of Appeals upheld convictions of Plumley and Bosch, but  
reversed as to Ridgely's decision that he did not make a "knowing  
and intelligent waiver of his rights" making the confession in-  
voluntary. The State appealed to the Supreme Court and the Court  
of Appeals' ruling was reversed.

The Alaska Supreme Court found that Ridgely made a knowing and  
intelligent waiver of his Miranda rights making his confession  
voluntary. Police also scrupulously honored his request for an  
attorney.

### REASONING:

The Supreme Court stated the trial judge's findings of fact were  
amply supported by the record, as follows:

- "1. Ridgely was not under the influence of drugs or  
suffering from lack of sleep 'to the extent that  
(he was) impaired in understanding what was occur-  
ring or in asserting (his) rights on August 22.'
2. Ridgely was not under the influence of alcohol.
3. Ridgely was advised of his Miranda rights when  
he was taken into custody on August 22 and when  
he was interviewed later that day and the follow-  
ing day.
4. The officers 'assiduously respected Ridgely's  
rights.'

5. Ridgely asked to have his father present and his father was present during 'all critical stages on August 22.' The father was also present when Ridgely was interviewed on August 23.
6. The officers 'did not enlist nor seek the assistance of Ridgely's father in their interrogation. Mr. Ridgely, Sr. . . . did not act as an agent of the police.' "

The mere fact that a person is under the age of majority does not automatically render that person incapable of making a knowing and voluntary waiver.

When Ridgely said he wanted a lawyer, the interview ended.