



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 285

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FAILURE TO GIVE MIRANDA WARNINGS DOES NOT REQUIRE SUPPRESSION OF PHYSICAL FRUITS OF VOLUNTARY STATEMENT

Reference: United States v. Samuel Frances Patane
United States Supreme Court
No. 02-1183
June 28, 2004

FACTS:

Prior to police responding to Patane's residence to arrest him for harassing a former girlfriend, the officers were informed that Patane, a convicted felon, illegally possessed a .40 Glock pistol. When police contacted Patane at his home, he was arrested on the harassment charge. The arresting officer started to advise Patane of his Miranda rights, but as soon as the officer said, "You have the right to remain silent," Patane interrupted the officer by asserting that he knew his rights. The officer did not attempt to complete the warning.

The arresting officer asked Patane about the Glock pistol. Patane was reluctant to discuss it, stating "I am not sure I should tell you anything about the Glock because I don't want you to take it from me." The officer persisted and Patane told him that it was in the bedroom and gave the officer permission to retrieve it. The officer seized the Glock and Patane was subsequently charged with being a convicted felon in possession of a firearm.

ISSUE:

Did the failure to give Patane his Miranda warnings require suppression of the physical fruits of his unwarned, but voluntary, statements?

HELD: No--this is nontestimonial evidence obtained as a result of voluntary statements.

REASONING:

1. The Miranda rule is a prophylactic employed to protect against violations of the self-incrimination clause. The self-incrimination clause, however, is not implicated by the admission into evidence of the physical fruit of a voluntary statement.

2. Police do not violate a suspect's constitutional rights (or the Miranda rule) by negligent or deliberate failures to provide full Miranda warnings. Potential violations occur, if at all, only upon the admission of unwarned statements into evidence. At this point, the exclusion of such statements is a complete and sufficient remedy for any perceived Miranda violation. (emphasis added)

3. Admission of nontestimonial physical fruits (the pistol in this case) does not run the risk of admitting into trial an accused's coerced incriminating statements against himself.

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. 285 numerically under Section R of the manual.