



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 238

March 15, 2000

INVOLUNTARY CONFESSION

Reference: Timothy Beavers
 v.
 State of Alaska

Alaska Supreme Court
Opinion No. S-8399/5247
 P.2d
March 10, 2000

FACTS:

Two State Troopers contacted 16-year-old Beavers at his place of employment, a restaurant, to question him about several robberies. To avoid the noise, the Troopers asked Beavers to talk with them outside in their car. Beavers agreed to this request and took the front passenger seat. One of the Troopers sat on the driver's side and the other sat in the back seat. The entire tape-recorded interview lasted twenty-one minutes.

The Troopers informed Beavers he was not under arrest and remained free to terminate the interview and exit the vehicle at any time. However, the Trooper said, "But, I do need to talk to you; it's real important. I think you know what it's about. And, I think you need to talk with me about it. Okay?"

Troopers then explained their investigation to Beavers and informed him he was a suspect. Beavers denied any participation in the crimes. At one point, the Trooper said, "...if you try and hide it from me, you're really going to get hammered. I mean, you gotta come out and tell the truth." The Trooper then asked Beavers if he understood; Beavers replied, "Not really." The Trooper showed Beavers a photo line-up, which contained a photo of Beavers as well as one of the other suspects. The Trooper explained the purpose of photo line-ups to Beavers and told him how victims view them for identification. The Trooper

then said, "Now if you want to lie to me and get in more trouble, that's fine, okay? That's your decision. This is the only chance I can help you. You're young, you need to get this cleaned up now, okay? You want to tell me the truth?" Beavers then admitted his involvement in the crimes.

ISSUE:

Was Beavers' confession involuntary and obtained in violation of his Miranda rights?

HELD: Yes.

REASONING:

1. The prosecution must prove the voluntariness of the confession by a preponderance of the evidence. When the accused is a juvenile, the State assumes a particularly heavy burden of proof.

2. A confession, in order to be admissible, must be free and voluntary; that is, it must not be extracted by any sort of threats or violence, nor obtained by any direct or implied promises, however slight, nor by the exertion of any improper influence.

3. A law-enforcement officer's threat of harsher than normal treatment, however phrased (the threat to be "hammered" in this case), essentially conveys to criminal suspects that they will be punished for their silence, including any refusal to give further assistance.

NOTES:

Review Section P of the Alaska Legal Briefs Manual, especially Webb v. State, Legal Bulletin No. 120; Higgins v. State, Legal Bulletin No. 188; and Cole v. State, Legal Bulletin No. 206.

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. 238 numerically under Section R of the manual.