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# DPS TRAINING BULLETIN

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LEGAL BULLETIN NO. 128  
February 20, 1989

## NON-CUSTODIAL INTERROGATION

Reference: Carl Thompson  
v.  
State of Alaska

Alaska Court of Appeals  
Opinion No. 899  
P.2d  
January 20, 1989

### FACTS:

On September 10, 1986, the body of Dixie Thompson was found floating in a gravel pit; she had been stabbed twenty-nine times. On September 15, 1986, investigation had focused upon Carl Thompson, the victim's husband. Police contacted Thompson and asked him to come to their office to identify property belonging to Dixie. The officers' primary reason for contacting Thompson, however, was to question him.

Thompson went to the police station and was questioned extensively. He was not advised of his Miranda rights, but was consistently assured that he was not under arrest and was free to leave at any time. Thompson ultimately confessed to killing his former wife. Following the two-hour interview, which was tape recorded, Thompson was allowed to leave the police station. Thompson was arrested about two hours later and charged with murder in the first degree.

### ISSUE:

Were police required to advise Thompson of his Miranda rights prior to talking to him?

HELD: No.

### REASONING:

1. Police are required to give Miranda warnings when people are subject to custodial interrogation. (emphasis added)
2. Thompson was aware that he was free to break off the interrogation and leave at any time.
3. Thompson was not in custody. He went to the police station on his own initiative and was assured numerous times that he was free to leave and was not under arrest. Thompson left after the interrogation ended.

### NOTES:

Thompson argued, among other things, that his confession was not voluntary because the interviewing officer played on his sympathy,

minimized his guilt and placed much of the blame on the victim. The court found no merit to his argument.

The case controlling "custodial interrogations" in Alaska is Hunter v. State, 590 P.2d 888 (Alaska 1979), wherein the Supreme Court adopted the "reasonable objective person" test for determining whether a suspect was in custody. A Legal Bulletin was not issued on the Hunter v. State case, so it is recommended that you review Section P of your manual and the bulletins mentioned in that section.

NOTE TO SUSCRIBERS TO THE ALASKA LEGAL BRIEF MANUAL:

Add this case to Section P, page 13, of your Contents and to Section P, page 5, of Text. File Legal Bulletin No. 128 numerically under Section R of the manual.