

ISSUE:

Was Munson's statement, "Well, I'm done talkin' then," adequate to invoke the right to silence protected by the Fifth Amendment to the Federal Constitution and Article I, Section 9, of the Alaska Constitution?

HELD: Yes--once a suspect makes "an attempt to cut off questioning entirely," his request must be "scrupulously honored."

REASONING:

1. A proper invocation of the privilege against self-incrimination under Miranda requires only three things: (a) custodial interrogation; (b) a statement that would reasonably be understood as an invocation of the privilege; and (c) the clear possibility from the context of the interrogation that a responsive answer "might be dangerous because injurious disclosure could result."

2. A reasonable officer in these circumstances would have understood Munson's statement that he was "done talkin'," without condition or qualification, to be an unequivocal invocation of his right to silence.

3. Miranda makes clear that a defendant can invoke his right to silence and end interrogation "in any manner, at any time, prior to or during questioning."

NOTES:

Once a suspect who is in custody indicates he does not want to talk, you must cease all questioning. If, at some time later, the suspect initiates contact with you, it is okay to conduct another interview after proper warnings are given. Refer to Edwards v. Arizona, Legal Bulletin No. 48; Sheakley v. State, Legal Bulletin No. 55; Hampel v. State, Legal Bulletin No. 97; and Rhode Island v. Innis, Legal Bulletin No. 153.

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