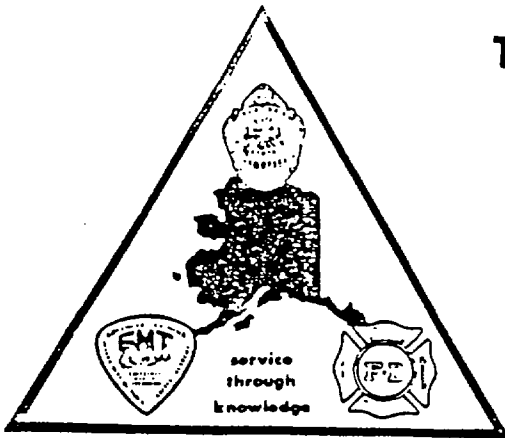


DEPARTMENT OF PUBLIC SAFETY

TRAINING ACADEMY

LEGAL BULLETIN NO. 85
July 7, 1984



INEVITABLE DISCOVERY

CRISPUS NIX, WARDEN

Reference: Warden

v.

Robert Anthony WILLIAMS

United States Supreme Court

~~35 Cr. 3110~~ — US — 81 L. Ed. 2d
June 11, 1984 377, 1984

FACTS:

On December 10, 1968, ten-year-old Pamela Powers disappeared from a YMCA building in Des Moines, Iowa. Shortly after she disappeared, WILLIAMS was seen leaving the building carrying a large bundle wrapped in a blanket; a fourteen-year-old boy opened the car door for WILLIAMS and reported that he had seen two legs in the bundle.

WILLIAMS' car was found the next day 160 miles east of Des Moines. Articles of clothing belonging to WILLIAMS and Powers, including an army blanket, were found at a rest stop between Des Moines and Davenport. The police suspected that her body would be found between these two cities. A search party consisting of two-hundred people was assembled and they were told to check all roads, abandoned farm buildings, ditches, culverts and any other places in which the body of a small child could be hidden.

A warrant for WILLIAMS' arrest was obtained and he surrendered to local police in Davenport, Iowa. WILLIAMS was arraigned and a local attorney consulted him. Des Moines police drove to Davenport and transported WILLIAMS back to Des Moines; they told counsel that they would not question him during the drive. Enroute to Des Moines, one of the detectives made a statement to WILLIAMS about the Powers family not being able to give their daughter, who was snatched away from them and murdered on Christmas eve, a "Christian burial." He also told WILLIAMS that the body might not be found because it was snowing. The search party was still looking for the body at the time this conversation took place.

WILLIAMS ultimately showed the police where the body was located. The body was found in the area to be searched, but the search party was about two miles away at the time of discovery.

WILLIAMS' statement was used at trial and his appeal was heard by the United States Supreme Court--it was termed the famous "Christian burial" case. The statements made by WILLIAMS were suppressed because of his Sixth Amendment right to counsel being violated.

At his second trial, photographs of the body were introduced but no mention was made that it was WILLIAMS who showed the police where the body was hidden. His attorney attempted to suppress the photographs and all mention of the

body's discovery as "fruits of the poison tree" because the body had been found in violation of WILLIAMS' constitutional right to counsel.

ISSUE:

Should all evidence of the body be suppressed because of the constitutional violation?

HELD: No.

REASONING:

1. Exclusion of physical evidence that would inevitably have been discovered adds nothing to the integrity nor fairness of a criminal trial.
2. The search party would ultimately have discovered the body. If WILLIAMS had not lead the police to the body, the search party would have found it because they were approaching its actual location.