



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 267

June 2, 2003

FAILURE TO GIVE MIRANDA WARNING NOT GROUNDS FOR FEDERAL CIVIL SUIT

Reference: Ben Chavez United States Supreme Court
v. No. 01-1444
Oliverio Martinez May 27, 2003

FACTS:

A knife was found on Martinez during a "Terry" stop and pat down conducted by two police officers. An altercation ensued between Martinez and the two officers. The officers claimed that Martinez removed the service revolver from one of the officer's holster. Whereas Martinez denies this, he does admit that one of the officers yelled, "He's got my gun!" When this occurred, the second officer shot Martinez several times. Martinez was placed under arrest and transported to the hospital. The wounds sustained by Martinez caused severe injuries that left him permanently blinded and paralyzed from the waist down.

Police Sgt. Ben Chavez, the petitioner in this case, accompanied Martinez to the hospital where he interviewed him for about ten minutes during a forty-five minute period. Chavez would leave the room while Martinez was being treated and then return to resume questioning when attending physicians were not actively involved in treating him.

During the course of the interview, Martinez made statements such as "I don't know;" "I'm dying;" and "I'm choking." Later in the interview, he told Sgt. Chavez that he took the gun from the officer's holster and pointed it at the police. He also admitted that he used heroin regularly. At one point, Martinez said, "I am not telling

you anything until they treat me;" Chavez still continued the interview. At no point during the interview was Martinez given Miranda warnings.

Martinez was never charged with a crime and his answers were never used against him in any criminal prosecution. Martinez filed a civil suit under 42 USC § 1983 maintaining that Chavez's actions violated his Fifth Amendment right not to be "compelled in any criminal case to be a witness against himself," as well as his Fourteenth Amendment substantive due process right to be free from coercive questioning.

Chavez argued that, because the statements were not used at a criminal trial, he (Chavez) should be entitled to "qualified immunity" from this civil case. The Ninth Circuit Court of Appeals ruled against Chavez and he appealed to the U. S. Supreme Court.

ISSUE:

Did Chavez deprive Martinez of a constitutional right?

HELD: No.

REASONING:

1. A "criminal case" at the very least requires the initiation of legal proceedings.
2. It is enough to say that police questioning does not constitute a "case" any more than a private investigator's precomplaint activities constitute a "civil case."
3. Statements compelled by police interrogations, of course, may not be used against a defendant at trial.
4. Martinez was never made to be a "witness" against himself in violation of the Fifth Amendment's Self-Incrimination Clause because his statements were never admitted as testimony against him in a criminal case. (emphasis added)

5. Chavez's failure to read Miranda warnings did not violate Martinez's constitutional rights and cannot be grounds for a §1983 action.

6. Unauthorized police behavior in other contexts might "shock the conscience" and give rise to a §1983 liability; here, there is no evidence that Chavez acted with the purpose to harm Martinez by intentionally interfering with his medical treatment.

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. 267 numerically under Section R of the manual.