

### Case Study Synopsis

1. Chapter 2, Fourth Edition: Criminal Law
2. Miranda rights in Oregon
3. Oregon Court of Appeals
4. State ex rel. Juvenile Department of Lincoln County v. Cook
5. John Belknap
6. Issues:
  - a) Exploration of Miranda warnings
  - b) Waiver of right to remain silent
  - c) Voluntary confessions and Coerced confessions
    - Promise of leniency as possible inducement to confess in involuntary manner

#### 7. Summary:

After a police officer read a juvenile suspect his Miranda rights, questioning began without an attorney present. During questioning, the child changed his story from saying he was nowhere near the scene to saying he had witnessed the murder. The officer had told the juvenile to consider telling the truth because his actions would have an impact on his own family. The juvenile wanted to suppress his statements because they were "involuntary." The court held that the juvenile was not induced by the officer's questions. Therefore, the statements were voluntary.

## QUESTIONS

1. Did Cook understand his Miranda rights?
2. Is an answer to a question ever “voluntary” when the police question a suspect at the police station? What if the suspect has an attorney present for the questioning?
3. Did the police officer force or intimidate Cook into admitting his knowledge of the crime?
4. What did the officer mean by, “be straight up and straight forward ... Don’t ... throw your life away”? Did it mean Cook would get a lighter sentence if he admits his crimes? Or, did it mean that any suspect is better off telling the truth, no matter what?
5. Should a juvenile have an attorney present at every police questioning?
6. Why should we care whether a confession is “voluntary”? Aren’t people more likely to tell the truth when they know they could get into trouble for lying?
7. What should the court say? Should the state be able to use Cook’s statement against him?

## **THE FIFTH AMENDMENT: MIRANDA WARNINGS AND SELF-INCRIMINATION**

**State ex rel. Juvenile Department of Lincoln County v. Cook, 138 Or. App. 401, 909 P. 2d 202 (1995).**

### **FACTS**

Cook, a 14-year old, was accused of aggravated murder, first-degree robbery, criminal conspiracy, unauthorized use of a vehicle, and other related crimes. On December 27, 1993, a Lincoln County police officer drove Cook to the police station for questioning. At the police station, the officer informed Cook of his Miranda rights: the right to remain silent, the right to an attorney during questioning, the right to have an attorney appointed immediately if he could not afford one, and that anything he did say could be used against him in court. Cook said he understood his rights (although he never asked for an attorney), and the officer began to question him about the murder. At first, Cook denied any knowledge of the crime. Then, the officer told Cook to "be straight up and straight forward ... [D]on't ... throw your life away ... You need to think about what's going to happen to you from here on out. How's your mom going to be affected by all this?" Cook admitted that he had witnessed the murder and knew who had shot the victim.

The juvenile court found that Cook had committed all the crimes except the actual shooting. Cook appeals because he thinks the police violated his Miranda rights. The issue is whether Cook voluntarily and knowingly waived his rights.

### **ISSUE**

Did Cook voluntarily waive his Miranda rights? Did he understand his rights? Did saying he understood his rights mean Cook agreed to answer questions without an attorney present?

### **WHAT HAPPENED AT TRIAL?**

The juvenile court held that Cook's admission that he witnessed the crime was voluntary. The juvenile court held that Cook committed all the acts he was accused of, except the aggravated murder charge (Cook was involved in the incident, but he did not pull the trigger).

## **ARGUMENTS**

Cook claims that he did not voluntarily waive his Miranda rights because he did not expressly say he waived his rights. Cook also claims that the officer promised him leniency if Cook would admit his involvement.

The state argues the following: (1) that the police officer properly gave Cook his Miranda rights; (2) that Cook understood his rights; (3) that Cook knew his rights because he had been to juvenile court before and had the advice of an attorney at that time; and (4) that the police officer did not offer leniency in exchange for Cook's admission of involvement.

## **WHO WON?**

The state of Oregon won. The Court of Appeals ruled that Cook's statements were voluntary.

## **HOW THE COURT EXPLAINED ITS DECISION**

The Court of Appeals held that Cook's statements were voluntary. Cook did not have an attorney present, and he was a juvenile. However, the court decided that Cook was of normal intelligence for his age. Additionally, the court pointed out that Cook had been to juvenile court twice before, indicating his knowledge of the legal system and also of his rights. From the police officer's statements, the court found that the police officer was only encouraging Cook to be truthful, instead of offering a lighter sentence in exchange for a confession.

## APPLICATION

1. This case provides a simple explanation of a suspect's rights under Miranda.
2. Look at possible alternative ways of analyzing the police officer's statement: should the interpretation of the officer's statement be left up to the court's objective reading, or should the court try to look at the statement from the perspective of a suspect?
3. Ask students to define "voluntary" in the Miranda sense.
4. Ask students to consider the tension between individual rights and society's desire to convict criminals. Is it fair to the victim that a confession can be excused simply because the police failed to read the suspect his Miranda rights?
5. Ask students if they would feel coerced if a police officer started mentioning the effect of their actions on family members.

(NOTE: This case began before Measure 11 came into effect (1995). Students should understand that the point of the case is the Miranda issue, not Cook's sentence.)