

A WHITE PAPER

Miranda Rights and Juveniles

Age Becomes a Factor

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J.D.B. v. North Carolina, 564 U.S. _____ (2011)

The United States Supreme Court expanded the rights of students in *J.D.B. v. North Carolina* by expanding *Miranda* protections for juvenile suspects. The High Court ruled that law enforcement must consider a suspect's age in deciding whether to provide *Miranda* warnings.

J.D.B. involves a 13-year-old North Carolina student, who was suspected by school authorities in a pair of home break-ins and thefts. The juvenile had been seen near the two break-ins and five days later an item from the thefts was thought to be in the juvenile's possession at school. A uniformed officer took the juvenile from his classroom to a conference room. At the conference room he was questioned by authorities in the presence of two school administrators. No *Miranda* warning was given nor was the juvenile allowed to contact his grandmother or legal guardian. The juvenile was never informed he was free to leave the room. The questioning, which took between 30 and 45 minutes, included admonishments to "do the right thing" and warnings of being held in juvenile detention before court. The juvenile initially denied involvement but later confessed after being given the admonishments and warnings above. Only after the confession was the juvenile advised of his right to refuse to answer questions and his right to leave the room.

Two juvenile complaints were filed. Counsel for the juvenile moved to suppress his statements and derivative evidence due to law enforcement's failure to provide *Miranda* warnings. The trial court denied the motion. That ruling was upheld by a North Carolina Appellate Court and the North Carolina Supreme Court. The North Carolina Supreme Court declined to consider the age of the suspect in determining if he was in custody.

In a 5-4 decision, the United States Supreme Court reversed holding that juvenile suspects enjoy an expanded *Miranda* protection. The Court ruled that law enforcement must consider a suspect's age in determining whether to give *Miranda* warnings. In determining whether a juvenile suspect is in custody, Justice Sotomayor, writing for the majority, indicated that "Commonsense Reality is that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave." Justice Sotomayor went on to write that children are more likely to feel pressured by the demands of authority figures. The justice added that this is "self-evident to anyone who was once a child himself, including any police officer or judge." The case was remanded back to the trial court to determine if the juvenile was in custody at the time of the interrogation. The trial court was instructed to consider all relevant factors including the juvenile's age.

Justice Alito authored the dissent which was joined by Chief Justice Roberts and Justices Thomas and Scalia. Justice Alito feared that the decision "shifts the *Miranda* custody determination from a one-size-fits-all... test into an inquiry that must account for at least one individualized characteristic- age." The dissenters firmly believe that the principle benefit of the *Miranda* decision was its rigid standard for deciding when warnings are required. The dissenters argued that the ruling undermines the very rationale of *Miranda* and will lead to the extension of this decision to cases concerning a suspect's intelligence or a suspect's cultural background.

J.E.B. is an important decision. Many argue that High Court has been cutting back much of the Warren Court's *Miranda* decision. Decisions in *Berghuis v. Thompkins* (ambiguity and waiver) and *Maryland v. Shatzer* (time frame in which *Miranda* is viewed) cuts away protections afforded under *Miranda*. Does this decision signal a reverse on the court's approach toward the *Miranda* Rule or is it consistent with Justice Kennedy's protection of juvenile criminal procedure rights. Only time will tell.