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# LEGAL DEFENSE TRUST TRAINING BULLETIN

*MICHAEL P. STONE, GENERAL COUNSEL*

6215 River Crest Drive, Suite A, Riverside, CA 92507

Phone (951) 653-0130 Fax (951) 656-0854

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## SUPREME COURT RULES JUVENILE'S AGE FACTORS INTO *MIRANDA* RIGHTS

by

**Muna Busailah, Esq.**

**J.C. Allen, Esq.**

Law enforcement officers must factor in a juvenile suspect's age when considering whether to give the *Miranda* warning against self-incrimination, the Supreme Court ruled in a 5-4 decision in *J.D.B. v. North Carolina*, 546 U.S. \_\_\_\_\_ (2011).

In *J.D.B. v. North Carolina*, the defendant, identified only as J.D.B. due to his age, is a 13-year-old, seventh grade student who was attending class at a middle school when he was pulled from the room by the uniformed school resource officer. J.D.B. was escorted to a closed-door conference room and questioned for 30-35 minutes by an investigator in the presence of the uniformed officer and two school administrators about some break-ins. Although the school had J.D.B.'s legal guardian's and grandmother's contact numbers, the school administrators did not call either person. Nor did they tell J.D.B. he could call anyone, that he could leave the room and

J.D.B. was not given any *Miranda* warnings.

After being told "the truth always comes out in the end" by the investigator, and after learning of the prospect of going to juvenile detention, J.D.B. confessed to the break-ins both verbally and in writing. J.D.B.'s attorney sought to suppress the confession arguing it was involuntarily provided as J.D.B. was interrogated in a custodial setting without being afforded *Miranda* warnings. The lower courts held that J.D.B. was not in custody when he confessed.

The Supreme Court granted *certiorari* to determine whether the *Miranda* custody analysis includes consideration of a juvenile suspect's age.

The Court stated "whether a suspect is 'in custody' is an objective inquiry. 'Two discrete inquiries are essential to the determination: first,

what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was at liberty to terminate the interrogation and leave’.” *Thompson v. Keohane*, 516 U.S. 99, 112 (1995).

The Court ruled, “So long as the child’s age was known to the officer at the time of the interview, or would have been objectively apparent to any reasonable officer, including age as part of the custody analysis requires officers neither to consider circumstances ‘unknown’ to them, (internal cite omitted), nor to ‘anticipat[e] the frailties or idiosyncrasies’ of a particular suspect whom they question (citation omitted). ..its inclusion in the custody analysis is consistent with the objective nature of that test.”

The Court concluded that the *Miranda* custody analysis does include consideration of the suspect juvenile’s age and remanded the case to the state court to address the question of whether J.D.B. was in custody when the police interrogated him.

Chief Justice Roberts, and Justices Alito, Scalia, Thomas dissented.

### **How this applies to law enforcement officers:**

The investigating officer will need to take into consideration the suspect-juvenile’s age (apparent or known) when questioning him or her. A court may determine that because the suspect-juvenile being questioned is of tender years, the juvenile may not feel free to leave and thus, a custodial interrogation may be found to exist. Whereas if the suspect is an adult, the adult may feel more apt to question the police regarding his or her ability to end the

questioning and leave or have an attorney present. An adult may also demonstrate or possess a greater knowledge of the *Miranda* warning and its implications and protections.

Bottom line: when seeking to determine if a custodial interrogation took place, courts must take into consideration the age of the suspect being questioned.

Stay Safe!  
Muna Busailah