

Suppressing Juvenile Statements

Northeast Pennsylvania
Juvenile Defender Training
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- I. Confessions and Due Process
 - A. The Involuntariness Test: *Brown v. Mississippi*, 299 U.S. 278 (1936)
 - B. Pre-*Miranda* Cases: Circumstances Relevant to Involuntariness
 - C. Continuing Relevance of Due Process Protection
 1. Deception and False Promises by the Police
 2. Threats of Physical Violence: *Arizona v. Fulminante*, 499 U.S. 279 (1991)

- II. Fifth Amendment Limitation on Confessions
 - A. *Miranda v. Arizona*, 384 U.S. 436 (1966)
 - B. *Dickerson v. United States*, 530 U.S. 428 (2000)
 - C. Exceptions to the *Miranda* Rule of Exclusion
 1. Impeaching the Defendant/Witness
 - *Harris v. New York*, 401 U.S. 222 (1971)
 2. Admitting the Fruits of the *Miranda* Violation
 - *Michigan v. Tucker*, 417 U.S. 433 (1974)
 - *Oregon v. Elstad*, 470 U.S. 298 (1985)
 - *Missouri v. Seibert*, 542 U.S. 600 (2004)
 - *United States v. Patane*, 542 U.S. 630 (2004)
 3. The Emergency Exception to *Miranda*

- *New York v. Quarles*, 467 U.S. 649 (1984)

C. Open Questions after *Miranda*

1. What is Custody?

- *Oregon v. Mathiason*, 429 U.S. 492 (1977)
- *Berkemer v. McCarty*, 468 U.S. 420 (1984)

2. What is Interrogation?

- *Rhode Island v. Innis*, 446 U.S. 291 (1980)

3. Does *Miranda* Apply to Undercover Activity?

- *Illinois v. Perkins*, 496 U.S. 292 (1990)

D. Waiver of *Miranda* Rights

1. Knowing and Voluntary

- *Moran v. Burbine*, 475 U.S. 412 (1986)
- *Fare v. Michael C.*, 442 U.S. 707 (1979)

2. Waiver after Invocation of *Miranda* Rights

- *Michigan v. Mosley*, 423 U.S. 96 (1975)
- *Edwards v. Arizona*, 451 U.S. 477 (1981)
- *Oregon v. Bradshaw*, 462 U.S. 1039 (1983)

III. Confessions and the Sixth Amendment Right to Counsel

A. The Messiah Rule

- *Messiah v. United States*, 377 U.S. 201 (1964)
- *Texas v. Cobb*, 532 U.S. 162 (2001)

B. Obtaining Information from Formerly Charged Defendants

- *Brewer v. Williams*, 430 U.S. 387 (1977)

C. Deliberate Elicitation Standard

- *Fellers v. United States*, 540 U.S. 519 (2004)