

Am I Under Arrest?

Description

Post the Supreme Court's ruling in *Vega v. Tekoh*, today we will highlight a case from the Eleventh Circuit that focuses on when *Miranda* rights should be read and when they do not have to be based on whether or not a person is in custody. In the *Miranda* context, a person is in custody when he/she finds themselves in "circumstances that are thought generally to present a serious danger of coercion." To evaluate the issue of coercion, the court will ask, "whether a reasonable person would have felt he or she was not at liberty to terminate the interrogation and leave." To answer that question, the court will examine "all of the circumstances surrounding the interrogation," including the location and duration of the questioning, statements made during the interview, the presence or absence of physical restraints, and whether the person was released after the interview.

The focus of this case deals primarily with the issue of custody. Specifically, the decision presents a framework to be utilized when attempting to better explain to someone whether they are in custody or not.

FACTS

Joseph Woodson preyed on adolescent girls by infiltrating their social media accounts, locking them out of their accounts, and then demanding that the girls produce and send him pornographic material to get their accounts back. Some of Woodson's victims eventually reported his crimes to law enforcement. Once reported, police officers linked the IP address associated with Woodson's extortion messages to a physical address in Virginia, where Woodson lived with his family.

When officers executed a search warrant at the Woodson family townhouse, they handcuffed Woodson and escorted him into the living area, where he was joined by his mother, his brother, Brandon, and his sister. Approximately twenty minutes later, while officers were still executing the search warrant, a detective arrived to interview the suspects. Not knowing who was responsible for the messages from the traced IP address, the detective asked to interview Brandon and then Woodson, and both agreed.

The detective wanted to conduct the interviews outside the home to have some privacy while the search continued. Because the weather was cold, he proposed sitting in the police van parked in front of the residence. After quickly determining that Brandon was not responsible for the extortion messages, the detective interviewed Woodson, who went unhandcuffed with the detective to the police van without protest. Woodson sat in the front passenger seat with the interviewing detective in the driver's seat, and a second detective in the back seat. Immediately, the detective told Woodson that he was not under arrest, that he was not charged with a crime, and that they were talking voluntarily. The detective did not, however, read Woodson his *Miranda* warnings. During the interview, Woodson confessed that he had taken over the Snapchat accounts of about twenty girls but claimed that his demands for pornography were made at the direction of another person. After the interview, the officers escorted Woodson back into the townhouse.

Several months later the officers arrested Woodson and the government charged him with several child pornography-related offenses. Prior to trial, Woodson filed a motion to suppress his statements from the interview, arguing that his words were the result of custodial interrogation, which requires *Miranda* warnings. The district court denied the motion, holding that a person is entitled to *Miranda* warnings only when he is *in custody during questioning*. The court found that Woodson was **not** in custody for the purposes of *Miranda*.

ELEVENTH CIRCUIT COURT OPINION

After analyzing the circumstances surrounding Woodson's interview, the Eleventh Circuit Court concluded that a reasonable person in his position would have felt free to terminate the interview and leave. At the beginning of the interview the officer specifically told Woodson that he was not under arrest, that he was not charged with a crime, and that the conversation was voluntary. The court also noted that Woodson was not handcuffed during the interview, and that he sat in the front passenger seat, as opposed to the back seat—where arrestees are typically placed. There was also nothing to indicate that the vehicle's doors were locked, and the van had no insignia, radio, cage, bar, or other "trappings" of a typical police vehicle.

Lastly, while Woodson was briefly handcuffed and detained in the living area of his home, the court found that these facts did not render the subsequent interview custodial.

Given these facts, the court held that a reasonable person in Woodson's position would have felt free to terminate the interview and walk away.

TAKEAWAYS

Woodson highlights the distinction between determining whether a suspect has endured **custodial interrogation** (where compulsion and coercion often exist to trigger *Miranda*), versus, if the encounter was consistent with the traditional investigatory functions of police. *Woodson* highlights a different aspect of these cases by making a distinction between when someone is under arrest, versus, when they are simply being questioned. Officers arriving at this address were unsure who was operating the computer linked to the IP address, thus nobody was under arrest, a point which the officer made abundantly clear.

In a situation as such, be sure to (1) layout specifics, and (2) record these specifics in your incident report. Woodson was told that he was not under arrest, and was then placed in the front seat of the officer's vehicle. These two facts indicate the presumption that Woodson was free to go if he did not want to answer any questions. All of these facts provided the officers and the court with the ability to hear Woodson's confession as evidence. So, whether the focus is on *Miranda*, or if you are simply laying out specifics, be sure to start your conversations by covering all relevant bases as stated above.

United States v. Woodson, 30 F.4th 1295 (11th Cir. 2022)

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