Confession or Coercion? Constitutional Clarity in United States v. Maytubby

Description

The United States Court of Appeals for the Tenth Circuit recently decided United States v. Maytubby, a case that evaluates whether a confession obtained during a police interview was voluntary under the Fifth Amendment, highlighting an example of how courts assess officer conduct and potential coercion during non-custodial interviews.

In December 2020, Lance Maytubby was questioned at a police station following allegations of sexual abuse made by the defendant's nieces. The assistant police chief in Calera, Oklahoma, called Maytubby and asked him to come to the police station to answer some questions, to which Maytubby agreed and arrived at the station that evening. The interview, recorded via body camera, occurred in the station's break room with the door open. The officer informed Maytubby that he was not under arrest, did not have to speak, and was free to leave at any time. The officer inquired as to Maytubby's side of the story. Maytubby denied the allegations, and Officer White continued to ask questions, noting that the nieces' stories were "dead-on similar" and supported by other information. White then suggested potential explanations, such as a mental health issue, alcohol, or drugs, but Maytubby remained firm in his denial.

The officer explained that he needed to complete a report for the district attorney and hoped to include mitigating information. He referenced Maytubby's status as a pastor, a "working man," and a "family man" who may have "acted out of character." However, he made it clear that his ability to do so depended on Maytubby acknowledging and admitting the conduct. Maytubby asked the officer to clarify whether the alleged misconduct could be considered "out of character" and whether that distinction would matter. The officer explained that true predators plan abuse, while some offenders act impulsively, often under the influence and later deeply regret it. He acknowledged Maytubby's faith and encouraged him to seek counseling and support. Officer White again said that he wanted to report that Maytubby made a mistake and that he was not "any kind of predator" and that the behavior "hasn't happened since."

Maytubby continued to deny the accusations, and Officer White explained that Maytubby's denials put him in a difficult position. Once more, the officer reminded him that he didn't need to speak to him and reassured him that he was not going to arrest him that day. When Maytubby expressed a desire to leave, the officer responded "Okay." A few seconds later, Maytubby confessed. Maytubby was indicted and the district court denied Maytubby's motion to suppress his confession, finding that the interrogation was not coercive and that Maytubby's statements were voluntary. A jury convicted him on several counts of aggravated sexual abuse and abusive sexual contact, leading to a life sentence. Maytubby appealed to the Tenth Circuit for reconsideration of the district court's denial of the suppression motion, arguing that the interrogating officer's offer to write a "mitigation report," combined with the officer's alleged suggestion that Maytubby could receive counseling in lieu of prison, overbore his will.

Grounded in Fifth Amendment principles, the admissibility of a confession hinges on its voluntariness. For an incriminating statement to be voluntary, it must not be the product of coercion, either physical or

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psychological, and as established in United States v. Lopez (10th Cir. 2006), coercion may take the form of acts, threats, or promises which cause the defendant's will to be overborne. The Court assesses voluntariness by examining the totality of circumstances surrounding the confession, viewed from the suspect's perspective. The following factors weighed by the Court typically include (1) The suspect's age, intelligence, and education; (2) The length of detention; (3) The length and nature of questioning; (4) Whether the suspect was advised of his constitutional rights; and (5) Whether any physical punishment occurred. (Lopez, 10th Cir. 2006).

When the case reached the Tenth Circuit, the Court affirmed the district court's decision and held that Officer White's statements during the interview were not coercive and did not overbear Maytubby's will. Applying the framework as established in Lopez, the Court in Maytubby based its analysis on several key facts. The Court found that nothing about Maytubby's age, intelligence, or education made him particularly susceptible to coercion. Continuing in the factor analysis, the decision noted that the interview lasted less than thirty minutes, the tone was conversational, the non-coercive setting—as it took place in a break room with the door open—and that there was no physical force or threats of punishment. The opinion further emphasized that Maytubby voluntarily came to the police station, was repeatedly told he was free to leave, and did not have to talk. The Circuit also acknowledged that Officer White did not advise Maytubby of his Miranda rights, but explained that because Maytubby was not in custody, Miranda warnings were not required. The Court concluded that all these factors weighed in favor of finding a voluntary confession.

Next, the Court tackled Maytubby's argument that the above factors were outweighed by Officer White's offer to include mitigating facts in his investigative report highlighting his family life, employment, and pastoral role—coerced a confession by offering mitigating facts in exchange for an admission. To advance this claim, the defendant compared his case to two precedents, Young and Lopez. In those cases, the Court found that a promise of leniency combined with a misrepresentation rendered the confessions involuntary. The Tenth Circuit disagreed, basing its decision on several key points. The Court's reasoning explained that nothing about the officer's comments was untrue or inappropriate and that it is routine for investigators to share favorable information with prosecutors. Most critically, the Court stressed that Officer White's statements lacked the most concerning characteristic from Young and Lopez, being the implication that the officers had control over the sentence. Instead, the Circuit found that Officer White's statements were a limited assurance or a general statement about the benefit of cooperating, which the Tenth Circuit has previously held to be a permissible interrogation tactic. The Court found that the interview was conducted in a non-coercive manner, and Officer White's comments about including mitigating factors in the report were proper and did not imply control over sentencing. Because the Court found that Maytubby's confession was voluntary, it affirmed the decision of the lower court, upholding his conviction.

United States v. Maytubby reinforces the scope of permissible tactics and constitutional boundaries inherent to police questioning. For officers, remember to offer only truthful, limited assurances about how cooperation might be viewed and never imply control over charging or sentencing. As we saw in this case, voluntariness remains a question of context, and in Maytubby, the context supported admission of the confession.

United States v. Maytubby, No. 23-7084 (10th Cir. 2025)

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