

SUPREME COURT OF COLORADO

People v. Theander, 2013 CO 15

295 P.3d 960 (Colo. 2013) · Decided February 25, 2013

SUMMARY

The Colorado Supreme Court reversed the trial court's suppression of Stephanie Theander's statements made during two hospital interviews following her suicide attempt. The court held that Theander was not in custody for Miranda purposes and that her statements were voluntary because coercive governmental conduct did not significantly induce them.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Eid; Chief Justice Bender; Justice Hobbs; Justice Rice
JURISDICTION	Colorado
DECIDED	February 25, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The People appealed under C.A.R. 4.1 from an interlocutory order suppressing statements made by Theander during two hospital interviews.
STANDARD OF REVIEW	The court reviewed the ultimate custody determination de novo, reviewed the ultimate voluntariness determination de novo, and deferred to factual findings supported by competent evidence.
PRECEDENTIAL VALUE	Published opinion; precedential Colorado Supreme Court decision.
PARTIES	The People v. Stephanie Theander

TOPICS

miranda rights criminal procedure suppression of evidence due process fourteenth amendment

PRACTICE AREAS

criminal procedure constitutional law evidence

QUESTIONS PRESENTED

- Whether Theander was in custody for Miranda purposes during the two hospital interviews.

2. Whether Theander's statements were involuntary because coercive governmental conduct significantly contributed to inducing them.

HOLDINGS

1. Theander was not in custody because, under the totality of the circumstances, a reasonable person in her position would not have believed that she was deprived of freedom of action to a degree associated with a formal arrest. Because the interviews were noncustodial, the absence of Miranda warnings did not require suppression.
2. Theander's statements were voluntary. The officers' references to her children's safety and their desire to identify the killer did not constitute coercive governmental conduct sufficient to overbear her will or play a significant role in inducing the statements.

KEY QUOTATIONS

"Under these circumstances, a reasonable person in Theander's position 'would not have felt deprived of [her] freedom of action to a degree associated with a formal arrest.'" (295 P.3d at 966)

"Thus, facts of which a defendant is unaware—including an officer's subjective thoughts and beliefs, 'have] no bearing on the question of whether a suspect was in 'custody' at a particular time.'" (295 P.3d at 967)

"What is critical to any finding of involuntariness is the existence of coercive governmental conduct, physical or mental, that plays a significant role in inducing a confession or inculpatory statement." (295 P.3d at 970)

"Coercive police activity is a necessary predicate to the finding that a confession is not 'voluntary' within the meaning of the Due Process Clause of the Fourteenth Amendment." (295 P.3d at 970)

FACTUAL BACKGROUND

After Gregg Theander was found stabbed to death, police suspected his ex-wife, Stephanie Theander, who had attempted suicide by overdosing on sleeping pills and alcohol. While Theander was hospitalized, officers conducted two interviews without giving Miranda warnings; the officers were generally polite, did not restrain her, left the door open, repeatedly told her she was not in custody, and ended the second interview shortly after she asked them to leave. Theander made inculpatory statements during the interviews, and the trial court suppressed them as custodial and involuntary.

PROCEDURAL HISTORY

Theander was charged with first-degree murder after deliberation and first-degree burglary. Before trial, she moved to suppress statements made during two hospital interviews, arguing that the interviews were custodial interrogations conducted without Miranda warnings and that the statements were involuntary. The trial court granted the motion on both grounds. The Colorado Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for proceedings consistent with the opinion; the trial court must not suppress the hospital-interview statements on the grounds that the interviews were custodial or that the statements were involuntary.

CASES CITED

- Miranda v. Arizona, 384 U.S. 436, 478 (1966)
- People v. Matheny, 46 P.3d 453, 459, 465-68 (Colo. 2002)
- People v. Taylor, 41 P.3d 681, 691 (Colo. 2002)
- Mumford v. People, 2012 CO 2, 270 P.3d 953, 959
- People v. Klinck, 259 P.3d 489, 493, 496, 498 (Colo. 2011)
- People v. Hughes, 252 P.3d 1118, 1120-22 (Colo. 2011)
- Stansbury v. California, 511 U.S. 318, 328 (1994)
- People v. Elmarr, 181 P.3d 1157, 1162 (Colo. 2008)
- People v. Effland, 240 P.3d 868, 872, 875-79 (Colo. 2010)
- People v. Minjares, 81 P.3d 348, 356 (Colo. 2003)
- People v. Gennings, 808 P.2d 839, 843-47 (Colo. 1991)
- Colorado v. Connelly, 479 U.S. 157, 163-67 (1986)
- People v. Valdez, 969 P.2d 208, 211-12 (Colo. 1998)
- Arizona v. Fulminante, 499 U.S. 279, 287 (1991)
- People v. Medina, 25 P.3d 1216 (Colo. 2001)
- People v. McIntyre, 789 P.2d 1108, 1109, 1111 (Colo. 1990)
- People v. Freeman, 668 P.2d 1371, 1379 (Colo. 1983)
- People v. Quintana, 198 Colo. 461, 601 P.2d 350 (1979)
- People v. Miranda-Olivas, 41 P.3d 658, 662 (Colo. 2001)

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