

SUPREME COURT OF ARKANSAS

Wedgeworth v. State, 374 Ark. 373

288 S.W.3d 234 (2008) · No. CR 07-1042 · Decided October 2, 2008

SUMMARY

The Arkansas Supreme Court considered whether James Wedgeworth’s custodial confession was obtained in violation of his Fifth Amendment right to counsel after he requested that his attorney be present. The court held that police initiated further interrogation after Wedgeworth invoked his right to counsel and before counsel was present or Wedgeworth validly initiated further communication. The court reversed the conviction-related ruling and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Jim Gunter; Jim Gunter, Justice; Robert L. Brown, Justice; Paul E. Danielson, Justice; Wills, Justice
JURISDICTION	Arkansas
DECIDED	October 2, 2008
DOCKET	CR 07-1042
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a Union County Circuit Court conviction for capital murder and sentence of life imprisonment without parole, challenging the denial of a motion to suppress a custodial confession.
STANDARD OF REVIEW	The court independently determines voluntariness based on the totality of the circumstances, reviews the circuit court's factual findings for clear error, and reviews the ultimate voluntariness question de novo.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	James Wedgeworth v. State of Arkansas

TOPICS

- right to counsel
- miranda rights
- suppression of evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether Wedgeworth clearly invoked his Fifth Amendment right to counsel by stating that he wanted his attorney.
2. Whether the detective's post-invocation questions constituted further interrogation before counsel was provided or Wedgeworth initiated further communication.
3. Whether the circuit court erred in admitting Wedgeworth's taped confession after finding that he knowingly, intelligently, and voluntarily waived his right to counsel.

HOLDINGS

1. Wedgeworth's statement that he wanted his attorney was a clear invocation of his Fifth Amendment right to counsel.
2. Police may not interrogate a suspect after the suspect invokes the right to counsel unless counsel is provided or the suspect initiates further communication and knowingly, intelligently, and voluntarily waives the right. Because the detective initiated contact and Wedgeworth did not initiate further communication before confessing, the interrogation violated Wedgeworth's right to counsel.
3. The circuit court erred in admitting Wedgeworth's confession because it was obtained in violation of his right to counsel.

KEY QUOTATIONS

“Here, Appellant asked for his attorney, a clear invocation of his right to counsel.” (288 S.W.3d at 238)

“Because the Vidos prerequisites were not met, we hold that Appellant's right to counsel was violated.” (288 S.W.3d at 238)

“Therefore, it was error for the circuit court to admit the confession.” (288 S.W.3d at 238)

“If after having been advised of the Miranda rights, a criminal defendant states that he wants an attorney, the interrogation must cease until an attorney is present.” (288 S.W.3d at 240)

FACTUAL BACKGROUND

After Megan Harbison was murdered, police arrested James Wedgeworth and transported him to the El Dorado Police Department. After receiving Miranda warnings, Wedgeworth stated that he wanted his attorney but could not remember the attorney's name. When the detective returned several minutes later and asked what Wedgeworth wanted to do, Wedgeworth agreed to make a statement without an attorney after the detective re-administered the warnings. Wedgeworth then gave a taped confession that was admitted at trial.

PROCEDURAL HISTORY

Wedgeworth was charged by criminal information with capital murder, moved to suppress his taped custodial statement, and the circuit court denied the motion. A jury convicted him and imposed life imprisonment without parole. The Arkansas Supreme Court reviewed the suppression ruling and reversed and remanded because the

confession was obtained after Wedgeworth invoked his right to counsel and before counsel was provided or Wedgeworth initiated further communication.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded following reversal of the admission of the confession; the opinion does not provide further specific remand instructions.

CASES CITED

- Grillot v. State, 353 Ark. 294, 107 S.W.3d 136 (2003)
- Clark v. State, 374 Ark. 292, 287 S.W.3d 567 (2008)
- Vidos v. State, 367 Ark. 296, 239 S.W.3d 467 (2006)
- Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- Michigan v. Jackson, 475 U.S. 625, 106 S. Ct. 1404, 89 L. Ed. 2d 631 (1986)
- Robinson v. State, 373 Ark. 305, 283 S.W.3d 558 (2008)
- Edwards v. Arizona, 451 U.S. 477, 101 S. Ct. 1880, 68 L. Ed. 2d 378 (1981)
- Bussard v. State, 295 Ark. 72, 747 S.W.2d 71 (1988)
- Oregon v. Bradshaw, 462 U.S. 1039, 103 S. Ct. 2830, 77 L. Ed. 2d 405 (1983)
- Solem v. Stumes, 465 U.S. 638, 104 S. Ct. 1338, 79 L. Ed. 2d 579 (1984)
- James v. Arizona, 469 U.S. 990, 105 S. Ct. 398, 83 L. Ed. 2d 332 (1984)
- Michigan v. Harvey, 494 U.S. 344, 110 S. Ct. 1176, 108 L. Ed. 2d 293 (1990)
- Johnson v. Zerbst, 304 U.S. 458, 58 S. Ct. 1019, 82 L. Ed. 1461 (1938)
- Rhode Island v. Innis, 446 U.S. 291, 301, 100 S. Ct. 1682, 64 L. Ed. 2d 297 (1980)
- Koster v. State, 374 Ark. 74, 286 S.W.3d 152 (2008)

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