

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. James Reginald Jones, II, 216 W. Va. 392

607 S.E.2d 498 (2004) · No. No. 31590 · Decided December 3, 2004

SUMMARY

The Supreme Court of Appeals of West Virginia reversed James Reginald Jones II's convictions for two counts of second-degree murder. The court held that statements obtained during a police-initiated post-polygraph interrogation were admitted in violation of Jones's rights to counsel and to remain silent, particularly because he was a juvenile, had appeared with counsel, requested to speak with counsel, and had not waived post-test questioning. The court concluded that the error was not harmless beyond a reasonable doubt and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam
JURISDICTION	West Virginia
DECIDED	December 3, 2004
DOCKET	No. 31590
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Jones appealed his convictions for two counts of second-degree murder, challenging the admission of statements obtained during a post-polygraph interrogation conducted after he requested to speak with counsel.
STANDARD OF REVIEW	De novo review of both legal questions and the circuit court's ultimate conclusion concerning the constitutionality of the law-enforcement action that produced the challenged evidence.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	James Reginald Jones, II v. State of West Virginia

TOPICS

- criminal procedure
- right to counsel
- miranda rights
- suppression of evidence
- fifth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether statements obtained during a police-initiated post-polygraph interrogation were admissible when the juvenile defendant had appeared with counsel, counsel was excluded from the polygraph room, the waiver did not mention post-test questioning, and the defendant requested to speak with counsel before interrogation.
2. Whether the defendant's reported statement, "No, let's continue," constituted a knowing, intelligent, and voluntary waiver of his rights to counsel and silence under the totality of the circumstances.
3. Whether admission of the post-polygraph statements was harmless beyond a reasonable doubt.

HOLDINGS

1. A waiver permitting a polygraph examination does not, without more, authorize a police-initiated post-polygraph interrogation outside the presence of counsel.
2. Jones's reported statement, "No, let's continue," did not establish a knowing, intelligent, and voluntary relinquishment of his rights to counsel and silence.
3. Erroneous admission of the post-polygraph interrogation evidence was not harmless beyond a reasonable doubt and required reversal of the convictions.

KEY QUOTATIONS

"Wyrick does not stand for the principle that a knowing, voluntary, and informed waiver of the rights to silence and to counsel prior to taking a polygraph test extends to post-test interrogation." (607 S.E.2d at 504)

"This Court adheres fully to these succinct and enduring constitutional principles." (607 S.E.2d at 505)

FACTUAL BACKGROUND

Jones was sixteen when he accompanied three adults to the Stepps' mobile home, where two people were shot and killed. Before a requested polygraph examination, Jones's counsel accompanied him to the police station but was excluded from the testing room; the written waiver addressed the polygraph examination but did not mention post-test interrogation. After the test, police accused Jones of deception and initiated more than an hour of questioning, despite Jones's request to speak with his lawyer, who had left her telephone number with police. The resulting statements supplied principal evidence that Jones knew of the planned violence and shared a criminal purpose.

PROCEDURAL HISTORY

Jones was convicted in the Circuit Court of McDowell County of two counts of second-degree murder and sentenced to forty years' imprisonment on each count. The circuit court denied his motion to suppress statements made during a post-polygraph interrogation and admitted testimony concerning those statements at trial. The Supreme Court of Appeals of West Virginia reversed and remanded, concluding that admission of the evidence violated Jones's constitutional rights to counsel and silence and was not harmless beyond a reasonable doubt.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion.

CASES CITED

- State v. Lilly, 194 W. Va. 595, 461 S.E.2d 101 (1995)
- Wood v. State, 11 P.3d 1249 (Okla. Crim. App. 2000)
- Wyrick v. Fields, 459 U.S. 42 (1982)
- United States v. Leon-Delfis, 203 F.3d 103 (1st Cir. 2000)
- Brewer v. Williams, 430 U.S. 387 (1977)
- State v. Johnson, 47 Or. App. 1165, 615 P.2d 1181 (1980)
- Canler v. Commonwealth, 870 S.W.2d 219 (Ky. 1994)
- State v. Bohn, 950 S.W.2d 277 (Mo. Ct. App. 1997)
- Edwards v. Arizona, 451 U.S. 477 (1981)
- State v. Crouch, 178 W. Va. 221, 358 S.E.2d 782 (1987)
- State v. Bradley, 163 W. Va. 148, 255 S.E.2d 356 (1979)
- State v. Rissler, 165 W. Va. 640, 270 S.E.2d 778 (1980)
- State v. Farley, 192 W. Va. 247, 452 S.E.2d 50 (1994)
- State v. DeWeese, 213 W. Va. 339, 582 S.E.2d 786 (2003)
- State v. Chambers, 194 W. Va. 1, 459 S.E.2d 112 (1995)
- State v. Biddle, 599 S.W.2d 182 (Mo. 1980) (en banc)
- State v. Weindorf, 361 S.W.2d 806 (Mo. 1962)