

SUPREME COURT OF NORTH CAROLINA

State v. Johnson, 371 N.C. 870

821 S.E.2d 822 (2018) · No. No. 57PA17 · Decided December 21, 2018

SUMMARY

The Supreme Court of North Carolina reviewed the denial of Bobby Johnson's motion to suppress inculpatory statements made during a police interrogation. The court held that the statements were voluntary under the totality of the circumstances and modified and affirmed the Court of Appeals' decision.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Beasley, Justice
JURISDICTION	North Carolina
DECIDED	December 21, 2018
DOCKET	No. 57PA17
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of North Carolina granted discretionary review of a unanimous Court of Appeals decision that found no prejudicial error after concluding defendant's confession was involuntary but that its admission was harmless beyond a reasonable doubt.
STANDARD OF REVIEW	The appellate court determines whether competent evidence supports the trial court's findings of fact and whether those findings support its conclusions of law. Supported findings are conclusive on appeal, while conclusions of law are reviewed de novo. The voluntariness of a Miranda waiver and of incriminating statements is reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of North Carolina v. Bobby Johnson

TOPICS

- criminal procedure
- miranda rights
- suppression of evidence
- evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court of Appeals erred by analyzing the voluntariness of defendant's statements without separately determining compliance with Miranda and the effect of the successive unwarned and warned interrogations under *Missouri v. Seibert*.
2. Whether defendant preserved an argument that the officers' question-first, warn-later technique violated Miranda and Seibert.
3. Whether, under the totality of the circumstances, defendant's inculpatory statements were involuntary because his will was overborne or because officers induced hope or fear.

HOLDINGS

1. Miranda compliance and the traditional due-process voluntariness inquiry are separate, required analyses. Compliance with Miranda is a factor in the totality-of-the-circumstances voluntariness inquiry, but neither Miranda compliance nor a valid waiver eliminates the need to determine whether the confession itself was voluntary.
2. When a defendant challenges successive rounds of custodial interrogation, the court must determine whether the warnings effectively apprised the defendant of the right to choose between giving an admissible statement and remaining silent and whether the defendant voluntarily, knowingly, and intelligently waived that right. The fact that inculpatory statements were made only after warnings does not eliminate that inquiry.
3. Defendant did not preserve the argument that the officers' question-first, warn-later technique violated Miranda and Seibert because he did not present that argument to the trial court.
4. Under the totality of the circumstances, defendant's inculpatory statements were voluntary and were not obtained by coercion or by hope or fear that overbore his will.

KEY QUOTATIONS

"Compliance with Miranda is a factor to be considered when evaluating voluntariness in light of the totality of the circumstances under which the statement was given." (at 7)

"Consequently, assessing the admissibility of a statement given in response to police questioning requires an assessment of both compliance with Miranda and the overall voluntariness of the statement." (at 8)

"We assess the voluntariness of a confession by determining whether, under the "totality of the circumstances, the confession is 'the product of an essentially free and unconstrained choice by its maker,'" in which case it is admissible against him, or conversely, whether "'his will has been overborne and his capacity for self-determination critically impaired,'" in which case "'the use of his confession offends due process.'" (at 13)

FACTUAL BACKGROUND

In 2007, three men robbed a Charlotte motel, pistol-whipped and robbed a security guard, and killed the motel manager by shooting her in the neck. DNA collected from beneath the victim's fingernails identified defendant

as a likely contributor. Defendant voluntarily went to the police station in 2011, was questioned for nearly five hours before arrest and Miranda warnings, then waived his rights and made inculpatory statements during approximately four additional hours of questioning. The trial court found that the statements were voluntary despite officers' representations that the district attorney might treat defendant more favorably if he cooperated.

PROCEDURAL HISTORY

Defendant was indicted for first-degree murder, tried in Mecklenburg County Superior Court, convicted under the felony-murder rule with armed robbery as the underlying felony, and sentenced to life imprisonment without parole. The trial court denied defendant's motion to suppress his statements. The Court of Appeals held that the statements were involuntary and should have been suppressed, but found the error harmless beyond a reasonable doubt. The Supreme Court allowed discretionary review of petitions by both parties and modified and affirmed the Court of Appeals' decision.

DISPOSITION

affirmed

CASES CITED

- State v. Biber, 365 N.C. 162, 712 S.E.2d 874 (2011)
- State v. Brooks, 337 N.C. 132, 446 S.E.2d 579 (1994)
- State v. Hammonds, 370 N.C. 158, 804 S.E.2d 438 (2017)
- State v. Buchanan, 353 N.C. 332, 543 S.E.2d 823 (2001)
- State v. Knight, 369 N.C. 640, 799 S.E.2d 603 (2017)
- State v. Hardy, 339 N.C. 207, 451 S.E.2d 600 (1994)
- Missouri v. Seibert, 542 U.S. 600 (2004)
- Oregon v. Elstad, 470 U.S. 298 (1985)
- New York v. Quarles, 467 U.S. 649 (1984)
- United States v. Mashburn, 406 F.3d 303 (4th Cir. 2005)
- Oregon v. Mathiason, 429 U.S. 492 (1977)
- State v. Pruitt, 286 N.C. 442, 212 S.E.2d 92 (1975)
- State v. Kemmerlin, 356 N.C. 446, 573 S.E.2d 870 (2002)
- State v. Barlow, 330 N.C. 133, 409 S.E.2d 906 (1991)
- State v. Jackson, 308 N.C. 549, 304 S.E.2d 134 (1983)
- State v. Richardson, 316 N.C. 594, 342 S.E.2d 823 (1986)
- State v. Abbott, 320 N.C. 475, 358 S.E.2d 365 (1987)
- James v. Bartlett, 359 N.C. 260, 607 S.E.2d 638 (2005)
- Anderson v. Assimios, 356 N.C. 415, 572 S.E.2d 101 (2002) (per curiam)
- State v. Powell, 340 N.C. 674, 459 S.E.2d 219 (1995)
- State v. Autry, 321 N.C. 392, 364 S.E.2d 341 (1987)

- State v. Brown, 306 N.C. 151, 293 S.E.2d 569 (1982)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/north-carolina-supreme-court-of-north-carolina/2018/state-v-johnson-371-n-c-870-8ugz8vfk>