

SUPREME COURT OF OHIO

In re M.H.

2020-Ohio-5485 (Ohio 2020) · No. 2019-0621 · Decided December 3, 2020

SUMMARY

The Supreme Court of Ohio held that a county child-abuse investigator was not required to provide Miranda warnings before questioning a child because she was neither a law-enforcement officer nor acting under police direction or control. The court also held that the child’s confession did not violate federal due-process protections because it was not causally related to coercive police conduct, and it affirmed the court of appeals’ judgment admitting the statement.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Kennedy, J.; Fischer, J.; DeWine, J.; French, J.; Stewart, J.; O'Connor, C.J.; Donnelly, J.
JURISDICTION	Ohio
DECIDED	December 3, 2020
DOCKET	2019-0621
DISPOSITION	affirmed
PROCEDURAL POSTURE	M.H. brought a discretionary appeal from the judgment of the Eighth District Court of Appeals, which reversed the trial court's suppression of his incriminating statement to a county child-abuse investigator and remanded.
STANDARD OF REVIEW	The court applied de novo constitutional analysis to the Miranda and federal due-process questions, while evaluating voluntariness under the totality of the circumstances.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	M.H. v. State of Ohio

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a county child-abuse investigator must provide Miranda warnings before questioning a child suspected of committing child abuse when the investigator is neither a law-enforcement officer nor an agent of law enforcement acting under police direction or control.
2. Whether admission of an incriminating statement obtained from a child by a county child-abuse investigator violated the Due Process Clause of the Fourteenth Amendment.
3. Whether the trial court properly suppressed the statement and excluded it under Ohio Evid.R. 403(A).

HOLDINGS

1. A child-abuse investigator employed by a county children-services agency is not required to provide Miranda warnings before questioning a suspect when the investigator is neither a law-enforcement officer nor an agent of law enforcement acting under the direction or control of police.
2. Under *Colorado v. Connelly*, coercive police activity causally related to the confession is a necessary predicate for a federal due-process claim based on an involuntary confession. Because no police officer participated in, directed, or controlled Bradley's interview, the statement was not obtained in violation of federal due process.
3. Even assuming that Bradley's position as a county employee triggered federal due-process protections, M.H. failed to show that his statement was involuntary in the constitutional sense.

KEY QUOTATIONS

“Absent police conduct causally related to the confession, there is simply no basis for concluding that any state actor has deprived a criminal defendant of due process of law.” (§ 2)

*“Absent evidence that a child-abuse investigator employed by a county children-services agency is a law-enforcement officer or an agent of law enforcement acting under the direction or control of the police, an interrogation is not subject to the strictures of the Supreme Court’s decision in *Miranda*”* (§ 42)

FACTUAL BACKGROUND

The Cuyahoga County Department of Children and Family Services investigated allegations that 13-year-old M.H. had engaged in sexual activity with a 12-year-old girl. Child-protection specialist Esther Bradley interviewed M.H. at the agency without giving Miranda warnings, and M.H. made incriminating statements. Bradley was not a law-enforcement officer, lacked arrest authority, and was not directed or controlled by police; the assigned detective did not know about the interview until approximately two months later.

PROCEDURAL HISTORY

The state charged M.H. in juvenile court with two counts of rape and two counts of gross sexual imposition. The trial court suppressed M.H.'s statement to the child-abuse investigator, concluding that it violated due process

and was inadmissible under Ohio Evid.R. 403(A). The Eighth District reversed and remanded, and the Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *State v. Jackson*, 154 Ohio St.3d 542, 2018-Ohio-2169, 116 N.E.3d 1240
- *Colorado v. Connelly*, 479 U.S. 157 (1986)
- *Malloy v. Hogan*, 378 U.S. 1 (1964)
- *In re Gault*, 387 U.S. 1 (1967)
- *J.D.B. v. North Carolina*, 564 U.S. 261 (2011)
- *State v. Ferrette*, 18 Ohio St.3d 106, 480 N.E.2d 399 (1985)
- *State v. Bolan*, 27 Ohio St.2d 15, 271 N.E.2d 839 (1971)
- *State v. Barker*, 149 Ohio St.3d 1, 2016-Ohio-2708, 73 N.E.3d 365
- *State v. Myers*, 154 Ohio St.3d 405, 2018-Ohio-1903, 114 N.E.3d 1138
- *Estelle v. Smith*, 451 U.S. 454 (1981)
- *United States v. Mathis*, 391 U.S. 1, 88 S.Ct. 1503, 20 L.Ed.2d 381 (1968)
- *Rodriguez de Quijas v. Shearson/Am. Express, Inc.*, 490 U.S. 477 (1989)
- *Rogers v. Richmond*, 365 U.S. 534 (1961)
- *Spano v. New York*, 360 U.S. 315 (1959)
- *Dickerson v. United States*, 530 U.S. 428 (2000)
- *Sanchez-Llamas v. Oregon*, 548 U.S. 331 (2006)
- *Haynes v. Washington*, 373 U.S. 503 (1963)
- *Withrow v. Williams*, 507 U.S. 680 (1993)
- *Perry v. New Hampshire*, 565 U.S. 228 (2012)
- *Michigan v. Tucker*, 417 U.S. 433 (1974)
- *Miller v. Fenton*, 474 U.S. 104 (1985)
- *State v. Osie*, 140 Ohio St.3d 131, 2014-Ohio-2966, 16 N.E.3d 588
- *State v. Clark*, 38 Ohio St.3d 252, 527 N.E.2d 844 (1988)
- *Oregon v. Mathiason*, 429 U.S. 492 (1977)
- *State v. Watson*, 28 Ohio St.2d 15, 275 N.E.2d 153 (1971)
- *United States v. D.F.*, 63 F.3d 671 (7th Cir. 1995)
- *State v. Roberts*, 32 Ohio St.3d 225, 513 N.E.2d 720 (1987)
- *State v. Ford*, 158 Ohio St.3d 139, 2019-Ohio-4539, 140 N.E.3d 616
- *State v. Edwards*, 49 Ohio St.2d 31, 358 N.E.2d 1051 (1976)

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