

SUPREME COURT OF THE UNITED STATES

Michigan v. Bryant

562 U.S. 344 (2011) · No. No. 09-150 · Decided February 28, 2011

SUMMARY

The Supreme Court held that statements made by a mortally wounded shooting victim to police were nontestimonial under the Confrontation Clause. Applying an objective primary-purpose inquiry, the Court concluded that the questioning was intended to enable police assistance during an ongoing emergency involving an armed and unidentified shooter. The Court vacated the judgment of the Supreme Court of Michigan and remanded the case.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Sotomayor; Chief Justice Roberts; Justice Kennedy; Justice Breyer; Justice Alito; Justice Thomas; Justice Scalia; Justice Ginsburg
JURISDICTION	Federal
DECIDED	February 28, 2011
DOCKET	No. 09-150
DISPOSITION	vacated
PROCEDURAL POSTURE	The State of Michigan petitioned for a writ of certiorari after the Supreme Court of Michigan reversed Bryant's convictions, holding that the victim's statements to police were testimonial hearsay barred by the Sixth Amendment Confrontation Clause.
STANDARD OF REVIEW	The Court independently determined whether the statements were testimonial under the Sixth Amendment by objectively evaluating the circumstances of the police encounter and the statements and actions of the parties.
PRECEDENTIAL VALUE	binding
PARTIES	Michigan v. Richard Perry Bryant

TOPICS

- sixth amendment
- criminal procedure
- hearsay
- evidence
- due process

PRACTICE AREAS

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether Covington's identification and description of the shooter and the location of the shooting were testimonial statements under the Sixth Amendment's Confrontation Clause.
2. Whether the admission of those statements violated Bryant's Confrontation Clause rights when Bryant had no prior opportunity to cross-examine Covington.
3. Whether the statements' admission was otherwise permissible under Michigan hearsay law.

HOLDINGS

1. Covington's identification and description of the shooter and the location of the shooting were not testimonial because the circumstances objectively indicated that the primary purpose of the police interrogation was to enable police assistance to meet an ongoing emergency.
2. Courts must objectively evaluate the circumstances in which the encounter occurs and the statements and actions of all parties, rather than relying on the subjective or actual purpose of any particular participant.
3. The Court did not decide whether the statements were otherwise admissible under Michigan hearsay rules and remanded that issue to the Michigan courts.

KEY QUOTATIONS

"We hold that the circumstances of the interaction between Covington and the police objectively indicate that the "primary purpose of the interrogation" was "to enable police assistance to meet an ongoing emergency." (562 U.S. 349)

"To determine whether the "primary purpose" of an interrogation is "to enable police assistance to meet an ongoing emergency," Davis, 547 U. S., at 822, which would render the resulting statements nontestimonial, we objectively evaluate the circumstances in which the encounter occurs and the statements and actions of the parties." (562 U.S. 355)

"Because the circumstances of the encounter as well as the statements and actions of Covington and the police objectively indicate that the "primary purpose of the interrogation" was "to enable police assistance to meet an ongoing emergency," Davis, 547 U. S., at 822, Covington's identification and description of the shooter and the location of the shooting were not testimonial hearsay." (562 U.S. 364)

FACTUAL BACKGROUND

Police found Anthony Covington mortally wounded in a gas-station parking lot shortly after he had been shot. Covington told several responding officers that "Rick," whom he identified as Bryant, had shot him through the back door of Bryant's house and described the shooter and the location of the shooting. The questioning lasted approximately five to ten minutes and ended when emergency medical services arrived; Covington died within hours.

PROCEDURAL HISTORY

Bryant was convicted in Michigan of second-degree murder, being a felon in possession of a firearm, and possession of a firearm during the commission of a felony. The Michigan Court of Appeals affirmed. After remand for reconsideration in light of *Davis v. Washington*, the Court of Appeals again affirmed, but the Supreme Court of Michigan reversed, concluding that the victim's statements were testimonial. The United States Supreme Court vacated the Michigan judgment and remanded for consideration of any remaining state-law hearsay issues.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the judgment of the Supreme Court of Michigan and remand for further proceedings consistent with the opinion, including consideration of whether the statements were otherwise admissible under Michigan hearsay rules.

CASES CITED

- *Crawford v. Washington*, 541 U.S. 36 (2004)
- *Davis v. Washington*, 547 U.S. 813 (2006)
- *Hammon v. Indiana*, 547 U.S. 813 (2006)
- *Ohio v. Roberts*, 448 U.S. 56 (1980)
- *Pointer v. Texas*, 380 U.S. 400 (1965)
- *New York v. Quarles*, 467 U.S. 649 (1984)
- *Whren v. United States*, 517 U.S. 806 (1996)
- *Idaho v. Wright*, 497 U.S. 805 (1990)
- *Giles v. California*, 554 U.S. 353 (2008)
- *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009)
- *King v. Brasier*, 1 Leach 199, 168 Eng. Rep. 202 (K.B. 1779)

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