

SUPREME COURT OF GEORGIA

State v. Aiken, 282 Ga. 132

646 S.E.2d 222 (2007) · No. S07G0126 · Decided June 4, 2007

SUMMARY

The Supreme Court of Georgia held that the voluntariness of a public employee’s incriminating statement made during an official investigation must be evaluated under the totality of the circumstances. Applying that standard, the court concluded that Robert Aiken’s statement was coerced because the circumstances objectively supported his belief that he could lose his job if he failed to cooperate. The court affirmed exclusion of the statement from use at trial.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Sears, Chief Justice; All Justices
JURISDICTION	Georgia
DECIDED	June 4, 2007
DOCKET	S07G0126
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of Georgia granted certiorari to review the Court of Appeals' decision affirming a trial court's suppression of a statement made by Aiken during an official investigation.
STANDARD OF REVIEW	The trial court's factual findings are deferred to unless clearly erroneous; the application of law to undisputed facts is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	State v. Robert Aiken

TOPICS

- criminal procedure
- suppression of evidence
- due process
- fifth amendment
- miranda rights

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence

QUESTIONS PRESENTED

1. What test governs whether an incriminating statement by a government employee during an investigation is coerced and inadmissible when the employee claims an implied threat of job loss?
2. Whether, under the applicable voluntariness standard, Aiken's statement was coerced and properly excluded from use at trial.

HOLDINGS

1. Trial courts must evaluate the totality of the circumstances surrounding a public employee's statement to determine whether it was voluntary; the court declined to adopt either the two-part Friedrich test or the narrower Indorato approach.
2. Aiken's statement was coerced because, considering the directives from his superiors, the dismissal language in the investigation form, his objectively reasonable belief that he could lose his job, and the absence of Miranda warnings or advice that he could stop the interview, the State could not use the statement at trial.

KEY QUOTATIONS

"we hereby adopt that test for determining whether the statements that a public employee makes during an investigation into his activities is voluntary." (225-226)

"we conclude that Aiken was coerced in answering the investigator's questions, and that the Court of Appeals correctly affirmed the trial court's ruling that the State could not use those statements at trial." (227)

FACTUAL BACKGROUND

Robert Aiken, a probation officer, was investigated for possible criminal conduct. Department procedures required employees to cooperate fully and answer investigation questions truthfully, and Aiken's supervisors directed him to meet with the investigator. Before the interview, Aiken signed a form stating that interference with an ongoing investigation could result in discipline, including dismissal; although no one expressly told him he would be fired for refusing to answer, he testified that he believed he could be terminated. The investigator did not advise him of his Miranda rights or tell him he could stop the interview at any time, and Aiken made an incriminating statement.

PROCEDURAL HISTORY

Aiken, a probation officer, moved to suppress an incriminating statement given during an investigation into his conduct. The trial court ruled that the State could not use the statement at trial, and the Court of Appeals affirmed. The Supreme Court of Georgia granted certiorari, adopted a totality-of-the-circumstances approach to voluntariness in public-employee investigations, and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Aiken, 281 Ga. App. 415, 636 S.E.2d 156 (2006)
- United States v. Friedrich, 842 F.2d 382 (D.C. Cir. 1988)
- United States v. Indorato, 628 F.2d 711 (1st Cir. 1980)
- Garrity v. New Jersey, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967)
- Blackburn v. Alabama, 361 U.S. 199, 80 S. Ct. 274, 4 L. Ed. 2d 242 (1960)
- State v. Naglee, 44 N.J. 209, 207 A.2d 689 (1965)
- State v. Brockdorf, 291 Wis. 2d 635, 717 N.W.2d 657 (2006)
- United States v. Vangates, 287 F.3d 1315 (11th Cir. 2002)
- People v. Sapp, 934 P.2d 1367 (Colo. 1997)
- United States v. Camacho, 739 F. Supp. 1504 (S.D. Fla. 1990)
- State v. Connor, 124 Idaho 547, 861 P.2d 1212 (1993)
- State v. Lacaille, 266 N.J. Super. 522, 630 A.2d 328 (1993)
- State v. Chavarria, 131 N.M. 172, 33 P.3d 922 (2001)
- State v. Litvin, 147 N.H. 606, 794 A.2d 806 (2002)
- People v. Coutu, 235 Mich. App. 695, 599 N.W.2d 556 (1999)
- People v. Bynum, 159 Ill. App. 3d 713, 111 Ill. Dec. 437, 512 N.E.2d 826 (1987)
- Commonwealth v. Harvey, 397 Mass. 351, 491 N.E.2d 607 (1986)
- Bell v. State, 280 Ga. 562, 564, 629 S.E.2d 213 (2006)
- Carswell v. State, 279 Ga. 342, 344, 613 S.E.2d 636 (2005)
- Flanders v. State, 279 Ga. 35, 38, 609 S.E.2d 346 (2005)
- State v. Ray, 272 Ga. 450, 531 S.E.2d 705 (2000)