

SUPREME JUDICIAL COURT OF MAINE

State v. Nightingale

58 A.3d 1057 (Me. 2012) · Decided November 29, 2012

SUMMARY

The Maine Supreme Judicial Court affirmed Nathaneal K. Nightingale's convictions for murder and manslaughter. The court held that Nightingale was not in custody during the initial nine-hour polygraph-related interrogation, that the fourteen-day rule from *Maryland v. Shatzer* did not apply, and that the subsequent in-home statements and physical evidence were properly admitted. The court also concluded that the police did not deliberately employ an impermissible two-step interrogation strategy and that the confession was voluntary.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Silver, J.
JURISDICTION	Maine
DECIDED	November 29, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Nathaneal K. Nightingale appealed from judgments of conviction for murder and manslaughter after a jury trial, challenging the denial of his motion to suppress statements and physical evidence obtained as a result of those statements.
STANDARD OF REVIEW	Denial of a motion to suppress is reviewed for clear error as to factual findings and de novo as to questions of law. Voluntariness of a confession is reviewed for clear error as to factual findings and de novo as to the law; the State must prove voluntariness beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Nathaneal K. Nightingale v. State of Maine

TOPICS

miranda rights

criminal procedure

fifth amendment

suppression of evidence

due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Nightingale was in custody for Miranda purposes during the polygraph-related interrogation.
2. Whether Maryland v. Shatzer's fourteen-day waiting period applied when police reinitiated questioning after Nightingale requested counsel during a noncustodial interrogation.
3. Whether the detectives deliberately employed a two-step interrogation procedure that rendered Nightingale's post-warning statements inadmissible under Missouri v. Seibert.
4. Whether police deception during the earlier interrogation rendered Nightingale's later post-warning statements involuntary.
5. Whether physical evidence obtained as a result of the post-warning statements was inadmissible as fruit of constitutional violations.

HOLDINGS

1. Nightingale was not in custody for Miranda purposes during the interrogation at the Criminal Investigation Division.
2. Maryland v. Shatzer's fourteen-day waiting period did not apply because Nightingale invoked his right to counsel during a noncustodial interrogation.
3. The State proved that the detectives did not deliberately employ a two-step interrogation strategy to undermine Miranda, so Nightingale's post-warning statements were admissible.
4. The post-warning statements were voluntary under the totality of the circumstances despite the detectives' use of fabricated evidence during the earlier interrogation.
5. The physical evidence was admissible because it was obtained as a result of voluntary post-warning statements.

KEY QUOTATIONS

"On these facts, the trial court did not err in finding that Nightingale was not in custody during the first interrogation." (58 A.3d at 1064)

"Accordingly, the State bears the burden of demonstrating by a preponderance of the evidence that the two-step procedure was not deliberately employed to undermine the efficacy of the Miranda warnings." (58 A.3d at 1068)

"The court did not err in concluding that the State proved beyond a reasonable doubt that Nightingale's post-warning statements were voluntary in light of the totality of the circumstances." (58 A.3d at 1070)

FACTUAL BACKGROUND

Michael and Valerie Miller were shot and killed in their home, and police learned that Nightingale was one of the last people to be there. Nightingale voluntarily drove himself to a nine-hour polygraph-related interview, received Miranda warnings twice, and was repeatedly told that he was free to leave. After detectives used

fabricated evidence during the interview, Nightingale requested an attorney and left. Later that evening, officers went to his mother's home after learning that he had confessed to others; they obtained pre-warning statements, then administered Miranda warnings and obtained further statements leading them to physical evidence belonging to the victims.

PROCEDURAL HISTORY

Nightingale was indicted on two counts of murder and moved to suppress statements from a polygraph-related interrogation, statements from a later in-home interrogation, and physical evidence found at a camp. The trial court suppressed only the pre-Miranda statements made at the residence and denied suppression of the polygraph-interview statements, post-Miranda in-home statements, and physical evidence. Following a six-day jury trial, Nightingale was convicted of manslaughter on one count and murder on the other, received concurrent sentences of fifteen and forty years, and appealed.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- *State v. Gould*, 2012 ME 60, ¶ 11, 43 A.3d 952
- *State v. Poblete*, 2010 ME 37, ¶ 22, 993 A.2d 1104
- *State v. Bridges*, 2003 ME 103, ¶¶ 35-36, 829 A.2d 247
- *State v. Michaud*, 1998 ME 251, ¶ 4, 724 A.2d 1222
- *Maryland v. Shatzer*, 559 U.S. 98, 130 S. Ct. 1213, 175 L. Ed. 2d 1045 (2010)
- *McNeil v. Wisconsin*, 501 U.S. 171, 182 n.3, 111 S. Ct. 2204, 115 L. Ed. 2d 158 (1991)
- *State v. Lavoie*, 562 A.2d 146, 149-50 (Me. 1989)
- *Oregon v. Elstad*, 470 U.S. 298, 105 S. Ct. 1285, 84 L. Ed. 2d 222 (1985)
- *Missouri v. Seibert*, 542 U.S. 600, 124 S. Ct. 2601, 159 L. Ed. 2d 643 (2004)
- *State v. Dodge*, 2011 ME 47, ¶ 18 n.8, 17 A.3d 128
- *United States v. Williams*, 681 F.3d 35, 41 (2d Cir. 2012)
- *State v. Lavoie*, 2010 ME 76, ¶¶ 13, 18-26, 1 A.3d 408
- *State v. Bailey*, 2010 ME 15, ¶ 23, 989 A.2d 716
- *Dickerson v. United States*, 530 U.S. 428, 433, 120 S. Ct. 2326, 147 L. Ed. 2d 405 (2000)
- *United States v. Patane*, 542 U.S. 630, 643, 645, 124 S. Ct. 2620, 159 L. Ed. 2d 667 (2004)
- *State v. Harnish*, 560 A.2d 5, 8 (Me. 1989)

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