

# SUPREME COURT OF COLORADO

## People v. Miranda-Olivas

41 P.3d 658 (Colo. 2001) · No. 01SA227 · Decided October 29, 2001

### SUMMARY

The Colorado Supreme Court reviewed an interlocutory appeal concerning the suppression of statements made by Efren Miranda-Olivas during a police investigation. The court held that, under the totality of the circumstances, the statements were voluntary and that an officer's reference to the defendant's girlfriend did not constitute coercion or an implied threat. The court reversed the suppression order and remanded for further proceedings.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Colorado                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Justice Rice; Justice Martinez; Justice Bender                                                                                                                                                                                                                                        |
| JURISDICTION          | Colorado                                                                                                                                                                                                                                                                              |
| DECIDED               | October 29, 2001                                                                                                                                                                                                                                                                      |
| DOCKET                | 01SA227                                                                                                                                                                                                                                                                               |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Interlocutory appeal under C.A.R. 4.1 from an order suppressing statements made by the defendant during a police investigation.                                                                                                                                                       |
| STANDARD OF REVIEW    | The court defers to supported historical factual findings, sets aside findings that are clearly erroneous or unsupported by the record, and reviews the legal effect of undisputed controlling facts and the ultimate constitutional voluntariness determination as questions of law. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                                        |
| PARTIES               | The People of the State of Colorado v. Efren Miranda-Olivas                                                                                                                                                                                                                           |

### TOPICS

- suppression of evidence
- criminal procedure
- fifth amendment
- fourteenth amendment
- appellate procedure

### PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the defendant's statements made after the officer's remarks concerning his girlfriend were involuntary under the Due Process Clause because of coercive police conduct.
2. Whether the undisputed facts established as a matter of law that the defendant's will was not overborne under the totality-of-the-circumstances test.
3. Whether the trial court erred in suppressing the statements based primarily on its characterization of the officer's remarks as an implied threat to arrest the girlfriend.

## HOLDINGS

1. The statements were voluntary because the officer's remarks, viewed in context, did not constitute coercive conduct, a threat, a promise, or improper influence that overbore the defendant's will.
2. When the controlling facts are undisputed, the legal effect of those facts, including whether a statement was involuntary, is a question of law that the appellate court may decide without remand.

## KEY QUOTATIONS

*“Thus, Defendant's will was not overborne by police and his statements were voluntary.”* (41 P.3d at 659)

*“Ultimately, the test of voluntariness is whether the individual's will has been overborne.”* (41 P.3d at 661)

*“Given this context, Officer Schrimpf's statement was not a threat to arrest Lechuga, but an attempt to ascertain the truth.”* (41 P.3d at 662-663)

## FACTUAL BACKGROUND

Police executed a search warrant at the defendant's residence and escorted him outside at gunpoint, handcuffed him, and later advised him of his Miranda rights. After the defendant initially made inconsistent statements, an officer told him that he did not want to see his girlfriend involved if she was not actively involved and urged him to tell the truth. The defendant then admitted being present during drug transactions and identified the location of drugs in the house; the interview lasted approximately thirty minutes, and the officer made no promises or express threat to arrest the girlfriend.

## PROCEDURAL HISTORY

The defendant was charged with possession of a schedule II controlled substance with intent to distribute. The trial court granted the defendant's suppression motion in part, finding statements made after an officer referred to the possible involvement of the defendant's girlfriend were involuntary because of coercive police conduct. The People brought an interlocutory appeal, and the Colorado Supreme Court reversed and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Reverse the suppression order and remand for further proceedings consistent with the opinion.

#### CASES CITED

- Colorado v. Connelly, 479 U.S. 157 (1986)
- People v. Valdez, 969 P.2d 208 (Colo. 1998)
- People v. Gennings, 808 P.2d 839 (Colo. 1991)
- Arizona v. Fulminante, 499 U.S. 279 (1991)
- People v. Medina, 25 P.3d 1216 (Colo. 2001)
- People v. Quintana, 198 Colo. 461, 601 P.2d 350 (1979)
- Mincey v. Arizona, 437 U.S. 385 (1978)
- People v. Quezada, 731 P.2d 730 (Colo. 1987)
- People v. Pitts, 13 P.3d 1218 (Colo. 2000)
- People v. Mendoza-Balderama, 981 P.2d 150 (Colo. 1999)
- People v. D.F., 933 P.2d 9 (Colo. 1997)
- People v. Johnson, 865 P.2d 836 (Colo. 1994)
- Commonwealth v. Raymond, 676 N.E.2d 824 (Mass. 1997)
- People v. Hutton, 831 P.2d 486 (Colo. 1992)
- Amaya-Ruiz v. Stewart, 121 F.3d 486 (9th Cir. 1997)
- United States v. Feyler, 55 F. Supp. 2d 55 (D. Me. 1999)
- State v. Loza, 641 N.E.2d 1082 (Ohio 1994)
- People v. Thomas, 839 P.2d 1174 (Colo. 1992)
- People v. A.W., 982 P.2d 842 (Colo. 1999)
- People v. Curtis, 959 P.2d 434 (Colo. 1998)
- People v. Trujillo, 938 P.2d 117 (Colo. 1997)
- Lakeview Associates, Ltd. v. Maes, 907 P.2d 580 (Colo. 1995)