

SUPREME COURT OF VERMONT

State v. John Powers

2016 VT 110, 203 Vt. 388 · No. 2015-076 · Decided October 14, 2016

SUMMARY

The Vermont Supreme Court considered whether Miranda warnings were required before a probation officer questioned a defendant about conduct that could support new criminal charges. The court held that the defendant was not necessarily in Miranda custody during the first interview at his home and reversed suppression of those statements. It remanded the issue concerning the second set of statements for further findings on custody and a new decision.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Dooley, J.; Reiber, C.J.; Skoglund, J.; Robinson, J.; Eaton, J.
JURISDICTION	Vermont
DECIDED	October 14, 2016
DOCKET	2015-076
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal by the State from an order suppressing two sets of statements defendant made to his probation officer on the ground that Miranda warnings were not given.
STANDARD OF REVIEW	The court reviews the trial court's factual findings for clear error and its legal conclusions de novo. Custody under Miranda involves factual findings regarding the circumstances of the interrogation and de novo review of whether those facts establish custody and a coercive environment.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	State of Vermont v. John Powers

TOPICS

- miranda rights
- criminal procedure
- suppression of evidence
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Miranda warnings were required before the probation officer questioned Powers in his apartment and obtained the first set of statements.
2. Whether the trial court properly suppressed Powers's second set of statements made to the probation officer at the DOC office without making factual findings sufficient to determine whether Powers was in Miranda custody.

HOLDINGS

1. Miranda warnings were not required for the first set of statements because the circumstances did not establish Miranda custody or an environment presenting coercive pressures comparable to station-house questioning.
2. The trial court erred in suppressing the second set of statements solely because Steinhour purportedly required Miranda warnings, but the suppression ruling had to be reversed and remanded because the trial court made insufficient findings regarding custody and the coercive nature of the interview.

KEY QUOTATIONS

“Not all restraints on freedom of movement amount to custody for purposes of Miranda.” (¶ 20)

“The Steinhour language on which the trial court relied was not a holding, and Steinhour was not a Miranda case.” (¶ 35)

“On the sparse evidence presented, we would conclude that it is impossible to determine as a matter of law whether defendant was in custody for purposes of Miranda without findings of fact derived from the evidence that was presented.” (¶ 45)

FACTUAL BACKGROUND

At the time of the alleged conduct, Powers was on community furlough under the highest level of supervision by the Vermont Department of Corrections and had been supervised by the same probation officer for approximately five years. After a neighbor reported that Powers had drilled holes through a wall to view a teenage neighbor, two DOC officers went to Powers's apartment, entered with his permission, directed him to sit on the couch, and investigated the suspected holes. Before any physical restraint was applied, Powers made incriminating statements about drilling the holes and his fantasies concerning the neighbor. After he was taken into custody and transported to the DOC office in restraints, he made additional incriminating statements during a second conversation with the probation officer.

PROCEDURAL HISTORY

Powers was charged with thirteen counts of voyeurism and one count of stalking. After a mistrial, he moved to suppress four sets of statements: two made to his probation officer and two made to a police officer. The

Bennington Superior Court granted the suppression motion, and the State brought an interlocutory appeal concerning only the statements made to the probation officer.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must make additional findings of fact concerning the circumstances and environment of the second interview, including the questioning and whether Powers remained restrained, determine whether he was in Miranda custody, and issue a new decision consistent with the opinion.

CASES CITED

- Miranda v. Arizona, 384 U.S. 436 (1966)
- Minnesota v. Murphy, 465 U.S. 420 (1984)
- Howes v. Fields, 565 U.S. 499, 132 S. Ct. 1181 (2012)
- State v. Steinhour, 158 Vt. 299, 607 A.2d 888 (1992)
- State v. Simoneau, 2003 VT 83, 176 Vt. 15, 833 A.2d 1280
- In re E.W., 2015 VT 7, 198 Vt. 311, 114 A.3d 112
- State v. Sullivan, 2013 VT 71, 194 Vt. 361, 80 A.3d 67
- State v. Muntean, 2010 VT 88, 189 Vt. 50, 12 A.3d 518
- State v. Hieu Tran, 2012 VT 104, 193 Vt. 148, 71 A.3d 1201
- State v. Bogert, 2013 VT 13A, 197 Vt. 610, 109 A.3d 883
- Beckwith v. United States, 425 U.S. 341 (1976)
- United States v. Ollie, 442 F.3d 1135 (8th Cir. 2006)
- People v. Elliott, 833 N.W.2d 284 (Mich. 2013)
- State v. Kittredge, 2014 ME 90, 97 A.3d 106
- State v. LeClaire, 2003 VT 4, 175 Vt. 52, 819 A.2d 719
- State v. Burdin, 924 S.W.2d 82 (Tenn. 1996)