

SUPREME COURT OF CONNECTICUT

State v. Fields

265 Conn. 184 (2003) · Decided August 5, 2003

SUMMARY

The Connecticut Supreme Court affirmed Donald Fields's convictions for felony murder, attempted robbery in the first degree, and conspiracy to commit robbery in the first degree. The court addressed whether his confession was involuntary because of alleged police-inflicted injuries and whether police scrupulously honored his right to remain silent under Michigan v. Mosley. The court also considered a challenge to the state's final argument.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Borden, J.
JURISDICTION	Connecticut
DECIDED	August 5, 2003
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from judgments of conviction, following a jury trial, for felony murder, attempt to commit robbery in the first degree, and conspiracy to commit robbery in the first degree. The Supreme Court of Connecticut transferred the appeal from the Appellate Court.
STANDARD OF REVIEW	Review of the ultimate question of confession voluntariness is plenary. The trial court's factual findings concerning the circumstances surrounding the interrogation and confession, including whether physical force was used, are reviewed for clear error.
PRECEDENTIAL VALUE	Published opinion; precedential Connecticut Supreme Court decision.
PARTIES	Donald Fields v. State of Connecticut

TOPICS

- suppression of evidence
- miranda rights
- criminal procedure
- prosecutorial misconduct
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court improperly denied suppression of Fields's confessions because the state failed to prove that they were voluntary after Fields sustained injuries while in police custody.
2. Whether the state was required to rebut, by clear and convincing evidence, a presumption that injuries sustained in police custody caused a confession to be involuntary.
3. Whether the police failed to scrupulously honor Fields's right to remain silent under *Miranda* and *Michigan v. Mosley* by making repeated attempts to question him about the same crime.
4. Whether the state's final rebuttal argument deprived Fields of a fair trial by improperly relying on the admission of the confession, commenting on his failure to testify, arguing facts not in evidence, or commenting on his prior refusals to speak.

HOLDINGS

1. No broad federal due process presumption arises merely because a defendant who confessed sustained a physical injury while in police custody. The defendant must establish that police physical violence caused the confession; the court declined to require the state automatically to explain every injury or prove by clear and convincing evidence that the injury was not inflicted to obtain the confession.
2. The trial court properly denied suppression because its finding that police did not use physical violence to coerce Fields's confessions was not clearly erroneous.
3. The police scrupulously honored Fields's right to remain silent under *Michigan v. Mosley*, and the confessions were not subject to suppression on that ground.
4. The state's challenged final arguments did not warrant reversal. Any improper suggestion that the confession was reliable because a judge admitted it, or any comment concerning the absence of evidence of police coercion, was cured by the trial court's clear and forceful instructions; the remaining challenged arguments did not constitute prosecutorial misconduct.

KEY QUOTATIONS

"The circumstances of each case determine whether the right to cut off questioning was scrupulously honored." (203)

"You cannot base any decision in this case, no matter what it might be, on the defendant exercising his constitutional right to remain silent." (207)

FACTUAL BACKGROUND

Sixteen-year-old Donald Fields participated with Terrence Thompson and Mark Symms in an attempted armed robbery in Waterbury during which Thompson shot and killed Milton Velez. Police apprehended Fields and Thompson near the getaway vehicle shortly after the shooting, and a handgun matching the fatal bullet was found near Fields. After receiving *Miranda* warnings and initially refusing to speak, Fields later signed written

statements implicating himself and identifying Symms as the getaway driver. Fields later claimed that police had beaten him before he confessed, although officers denied using force and the trial court rejected his account.

PROCEDURAL HISTORY

Before trial, Fields moved to suppress written confessions, claiming that the confessions were involuntary because of police-inflicted injuries and that the police failed to scrupulously honor his right to remain silent. The Superior Court, Damiani, J., denied the suppression motion. After a jury found Fields guilty, the Superior Court, O'Keefe, J., rendered judgment on the verdict. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Toste, 198 Conn. 573, 576, 504 A.2d 1036 (1986)
- State v. Pinder, 250 Conn. 385, 418-21, 736 A.2d 857 (1999)
- Stein v. New York, 346 U.S. 156, 182, 73 S. Ct. 1077, 97 L. Ed. 1522 (1953)
- Jackson v. Denno, 378 U.S. 368, 84 S. Ct. 1774, 12 L. Ed. 2d 908 (1964)
- Miller v. Fenton, 796 F.2d 598, 604 (3d Cir. 1986), cert. denied, 479 U.S. 989 (1986)
- Cooper v. Scroggy, 845 F.2d 1385, 1390 (6th Cir. 1988)
- United States v. Jenkins, 938 F.2d 934, 938 (9th Cir. 1991)
- Sims v. Georgia, 389 U.S. 404, 406, 88 S. Ct. 523, 19 L. Ed. 2d 634 (1967)
- Smith v. State, 254 Ark. 538, 541-42, 494 S.W.2d 489 (1973)
- People v. Wilson, 116 Ill. 2d 29, 506 N.E.2d 571 (1987)
- State v. Peters, 315 So. 2d 678, 681 (La. 1975)
- McBride v. State, 803 S.W.2d 741, 744-45 (Tex. App. 1990)
- Michigan v. Mosley, 423 U.S. 96, 102-06, 96 S. Ct. 321, 46 L. Ed. 2d 313 (1975)
- State v. Stanley, 223 Conn. 674, 691-94, 613 A.2d 788 (1992)
- Kelly v. Lynaugh, 862 F.2d 1126, 1130-31 (5th Cir. 1988)
- State v. Whipper, 258 Conn. 229, 271-72, 780 A.2d 53 (2001)
- State v. Griffin, 175 Conn. 155, 160, 397 A.2d 89 (1978)
- State v. Negron, 221 Conn. 315, 331, 603 A.2d 1138 (1992)
- Richardson v. Marsh, 481 U.S. 200, 211, 107 S. Ct. 1702, 95 L. Ed. 2d 176 (1987)
- State v. Booth, 250 Conn. 611, 626, 737 A.2d 404 (1999), cert. denied sub nom. Brown v. Connecticut, 529 U.S. 1060 (2000)
- State v. Copas, 252 Conn. 318, 336-39, 746 A.2d 761 (2000)
- State v. Pouncey, 241 Conn. 802, 811, 699 A.2d 901 (1997)
- State v. Singh, 259 Conn. 693, 718, 793 A.2d 226 (2002)

- State v. Golding, 213 Conn. 233, 239-40, 567 A.2d 823 (1989)
- State v. Smith, 255 Conn. 830, 835 n.12, 769 A.2d 698 (2001)
- State v. Ellis, 232 Conn. 691, 692 n.1, 657 A.2d 1099 (1995)
- State v. Geisler, 222 Conn. 672, 685, 610 A.2d 1225 (1992)
- State v. Robinson, 227 Conn. 711, 721-22, 631 A.2d 288 (1993)
- State v. Williams, 231 Conn. 235, 245 n.13, 645 A.2d 999 (1994)
- State v. Joyner, 225 Conn. 450, 458 n.4, 625 A.2d 791 (1993)
- State v. Rosado, 218 Conn. 239, 251 n.12, 588 A.2d 1066 (1991)
- Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)

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