

SUPREME COURT OF KENTUCKY

Wilson v. Commonwealth

199 S.W.3d 175 (Ky. 2006) · No. 2004-SC-000800-MR · Decided August 24, 2006

SUMMARY

The Supreme Court of Kentucky affirmed Demetrius Maurice Wilson's murder conviction and twenty-one-year sentence. The court held that Wilson could not anticipatorily invoke Miranda rights before custody and that his statements after arrest were admissible. It also held that evidence of Wilson's marijuana possession was admissible under KRE 404(b) to establish motive and intent.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Roach
JURISDICTION	Kentucky
DECIDED	August 24, 2006
DOCKET	2004-SC-000800-MR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wilson appealed as a matter of right from his conviction for intentional murder and twenty-one-year prison sentence, challenging the denial of his motion to suppress post-arrest statements and the admission of evidence concerning his possession of marijuana.
STANDARD OF REVIEW	The trial court's factual findings on a suppression motion are conclusive if supported by substantial evidence under RCr 9.78; the appellate court reviews de novo the application of law to those facts. Admissibility of prior-bad-acts evidence under KRE 404(b) is reviewed under relevance, probative-value, and prejudice principles.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Demetrius Maurice Wilson v. Commonwealth of Kentucky

TOPICS

- miranda rights
- fifth amendment
- suppression of evidence
- character evidence
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Wilson's pre-arrest statement that police should contact his attorney constituted a valid invocation of his Fifth Amendment rights under Miranda and required suppression of his subsequent post-arrest statements.
2. Whether the trial court erred under KRE 404(b) by admitting evidence that Wilson possessed marijuana on the night of the shooting.

HOLDINGS

1. Miranda rights attach only after a defendant is in custody and subjected to interrogation; an attempted invocation before custodial interrogation is premature and ineffective.
2. The trial court properly admitted evidence that Wilson possessed marijuana because the evidence was relevant to the Commonwealth's theory that the shooting arose from a drug deal gone bad and was probative of motive and intent, with probative value substantially outweighing unfair prejudice.

KEY QUOTATIONS

"Any attempt to invoke those rights prior to custodial interrogation is premature and ineffective." (199 S.W.3d at 179)

"Thus, Appellant's Miranda rights had not yet attached, and he could not at that time make a valid assertion of those rights." (199 S.W.3d at 180)

FACTUAL BACKGROUND

After a shooting in Paducah, police interviewed Wilson at the police station after he voluntarily arrived with family members. Wilson gave an account claiming that the victim had attempted to rob him, and he accompanied police to the crime scene to demonstrate his version of events. After lunch, Wilson returned to the station and, through his stepfather and personally, stated that police should contact his attorney if they wished to speak with him; he was then arrested, advised of his Miranda rights, and gave a second statement. At trial, the Commonwealth also introduced Wilson's statement that the victim had taken money and marijuana from him, arguing that the marijuana evidence supported a motive for the shooting.

PROCEDURAL HISTORY

Wilson was indicted for murder on September 5, 2003. After a two-day jury trial in July 2004, he was convicted of intentional murder and sentenced to twenty-one years in prison. The Supreme Court of Kentucky affirmed the judgment of the McCracken Circuit Court.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- *Talbott v. Commonwealth*, 968 S.W.2d 76, 82 (Ky. 1998)
- *Welch v. Commonwealth*, 149 S.W.3d 407, 409 (Ky. 2004)
- *Edwards v. Arizona*, 451 U.S. 477, 484-85, 101 S. Ct. 1880, 1885, 68 L. Ed. 2d 378 (1981)
- *McNeil v. Wisconsin*, 501 U.S. 171, 182 n.3, 111 S. Ct. 2204, 2211 n.3, 115 L. Ed. 2d 158 (1991)
- *United States v. Vega-Figueroa*, 234 F.3d 744, 749 (1st Cir. 2000)
- *Alston v. Redman*, 34 F.3d 1237, 1244 (3d Cir. 1994), cert. denied, 513 U.S. 1160 (1995)
- *Burket v. Angelone*, 208 F.3d 172, 197 (4th Cir. 2000), cert. denied, 530 U.S. 1283 (2000)
- *United States v. Wyatt*, 179 F.3d 532, 537 (7th Cir. 1999)
- *United States v. LaGrone*, 43 F.3d 332, 337 (7th Cir. 1994)
- *United States v. Grimes*, 142 F.3d 1342, 1348 (11th Cir. 1998), cert. denied, 525 U.S. 1088 (1999)
- *People v. Avila*, 75 Cal. App. 4th 416, 89 Cal. Rptr. 2d 320, 325 (Cal. Ct. App. 1999)
- *Sapp v. State*, 690 So. 2d 581, 586 (Fla. 1997)
- *State v. Aubuchont*, 147 N.H. 142, 784 A.2d 1170, 1177-78 (2001)
- *State v. Warness*, 77 Wash. App. 636, 893 P.2d 665, 668 (1995)
- *State v. Bradshaw*, 193 W. Va. 519, 457 S.E.2d 456, 467 (1995)
- *People v. Villalobos*, 193 Ill. 2d 229, 250 Ill. Dec. 17, 737 N.E.2d 639, 645 (2000)
- *Stansbury v. California*, 511 U.S. 318, 320, 114 S. Ct. 1526, 1529, 128 L. Ed. 2d 293 (1994)
- *California v. Beheler*, 463 U.S. 1121, 1125, 103 S. Ct. 3517, 3520, 77 L. Ed. 2d 1275 (1983)
- *Gomez v. Commonwealth*, 152 S.W.3d 238, 241-42 (Ky. App. 2004)
- *Berkemer v. McCarty*, 468 U.S. 420, 442, 104 S. Ct. 3138, 3151, 82 L. Ed. 2d 317 (1984)
- *Thompson v. Keohane*, 516 U.S. 99, 112, 116 S. Ct. 457, 465, 133 L. Ed. 2d 383 (1995)
- *Bell v. Commonwealth*, 875 S.W.2d 882, 889-90 (Ky. 1994)
- *Daniel v. Commonwealth*, 905 S.W.2d 76, 78 (Ky. 1995)
- *Funk v. Commonwealth*, 842 S.W.2d 476, 480 (Ky. 1992)
- *Adkins v. Commonwealth*, 96 S.W.3d 779, 792-93 (Ky. 2003)