

SUPREME COURT OF THE STATE OF WASHINGTON

State v. Piatnitsky

No. 87904-4 · No. No. 87904-4 · Decided May 8, 2014

SUMMARY

The Washington Supreme Court considers whether Samuel Piatnitsky unequivocally invoked his Miranda right to remain silent by stating, "I don't want to talk right now," while indicating that he would write his statement instead. The court holds that, viewed in context, the statement was at most an equivocal invocation because Piatnitsky expressed a preference for a written rather than audio-recorded confession, and it affirms admission of the written statement and the judgment below. Justice Wiggins dissents, concluding that Piatnitsky clearly invoked a limited right not to speak and that the police failed to honor that invocation.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Gonzalez, J.
JURISDICTION	Washington
DECIDED	May 8, 2014
DOCKET	No. 87904-4
DISPOSITION	affirmed
PROCEDURAL POSTURE	Piatnitsky sought review of a split-panel Court of Appeals decision affirming the trial court's admission of his written confession. The Washington Supreme Court granted review solely on the suppression issue and affirmed.
STANDARD OF REVIEW	The court reviewed as a matter of law whether Piatnitsky unequivocally invoked his Miranda right to remain silent, considering the objective reasonableness of the detectives' interpretation of his statements in context.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Samuel M. Piatnitsky v. State of Washington

TOPICS

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

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Piatnitsky unequivocally invoked his Fifth Amendment and Miranda right to remain silent when he said, "I don't want to talk right now" while also stating that he would write his account down.
2. Whether the detectives were required to cease questioning or clarify Piatnitsky's intent before obtaining a written confession.

HOLDINGS

1. Piatnitsky did not unequivocally invoke his Miranda right to remain silent. Viewed in context, his statements were at most an equivocal or conditional invocation expressing a preference to write rather than speak or make an audio recording.
2. The trial court properly admitted Piatnitsky's written confession because his statements did not constitute an unequivocal invocation requiring the detectives to terminate the interrogation.

KEY QUOTATIONS

"To be unequivocal, an invocation of Miranda requires the expression of an objective intent to cease communication with interrogating officers." (5)

"This is a bright-line inquiry; a statement either is 'an assertion of [Miranda rights] or it is not.'" (7)

"It is well established that when an accused makes a statement concerning the right to remain silent 'that is ambiguous or equivocal' or makes no statement, the police are not required to end the interrogation or ask questions to clarify whether the accused wants to invoke his or her Miranda rights." (9)

"Piatnitsky did not unequivocally invoke his right to remain silent." (10)

FACTUAL BACKGROUND

After being arrested for a shooting, Piatnitsky initially confessed and later agreed to give a recorded confession. During the recorded interview, he stated that he had a right to remain silent, said he was not ready to proceed, and stated, "I just write it down" and "I don't want to talk right now." The detectives treated his statements as a preference for a written rather than audio-recorded confession, prepared a written statement based on his answers, and obtained his signature after he reviewed and edited it.

PROCEDURAL HISTORY

After a CrR 3.5 hearing, the trial court ruled that Piatnitsky's oral and written statements were admissible because he knowingly, voluntarily, and intelligently waived his rights. He was convicted of first degree murder, attempted first degree murder, possessing a stolen firearm, and second degree unlawful possession of a firearm, and received a standard-range sentence of 600 months. The Court of Appeals affirmed, and the Washington Supreme Court granted review on whether Piatnitsky invoked his right to remain silent.

DISPOSITION

affirmed

CASES CITED

- Miranda v. Arizona, 384 U.S. 436, 479, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- State v. Radcliffe, 164 Wn.2d 900, 905-07, 194 P.3d 250 (2008)
- Edwards v. Arizona, 451 U.S. 477, 482, 484-85, 101 S. Ct. 1880, 68 L. Ed. 2d 378 (1981)
- Davis v. United States, 512 U.S. 452, 459, 461-62, 114 S. Ct. 2350, 129 L. Ed. 2d 362 (1994)
- Berghuis v. Thompkins, 560 U.S. 370, 381-82, 130 S. Ct. 2250, 176 L. Ed. 2d 1098 (2010)
- Smith v. Illinois, 469 U.S. 91, 93, 97-99, 105 S. Ct. 490, 83 L. Ed. 2d 488 (1984)
- State v. Piatnitsky, 170 Wn. App. 195, 210-11, 222-24, 282 P.3d 1184 (2012)
- State v. Piatnitsky, 176 Wn.2d 1022, 299 P.3d 1171 (2013)
- Connecticut v. Barrett, 479 U.S. 523, 525, 528-29, 107 S. Ct. 828, 93 L. Ed. 2d 920 (1987)
- Michigan v. Mosley, 423 U.S. 96, 103, 96 S. Ct. 321, 46 L. Ed. 2d 313 (1975)