

COURT OF APPEALS OF MARYLAND

Blake v. State, 381 Md. 218

849 A.2d 410 (2004) · No. No. 81, Sept. Term, 2003 · Decided May 12, 2004

SUMMARY

The Maryland Court of Appeals considered whether police conduct constituted the functional equivalent of interrogation after Leeander Jerome Blake invoked his Miranda right to counsel. The court held that an officer’s statement, made while serving Blake with charging documents incorrectly indicating death-penalty exposure, was reasonably likely to elicit an incriminating response and violated Miranda and Edwards. The court upheld suppression of Blake’s subsequent statements, including statements made during a later polygraph examination.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Raker, J.; Bell, C.J.; Wilner, J.; Cathell, J.; Harrell, J.; Battaglia, J.; John C. Eldridge, J. (Retired, specially assigned)
JURISDICTION	Maryland
DECIDED	May 12, 2004
DOCKET	No. 81, Sept. Term, 2003
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State took an interlocutory appeal from the Circuit Court for Anne Arundel County's order suppressing Blake's incriminating statements. The Court of Special Appeals reversed in an unreported opinion. The Court of Appeals of Maryland granted Blake's petition for a writ of certiorari.
STANDARD OF REVIEW	The court accepted the suppression-hearing court's factual findings unless clearly erroneous, viewed the evidence in the light most favorable to the prevailing party, and independently reviewed and applied constitutional law to the record.
PRECEDENTIAL VALUE	Published Maryland Court of Appeals opinion; precedential.
PARTIES	State of Maryland v. Leeander Jerome Blake

TOPICS

miranda rights

right to counsel

suppression of evidence

criminal procedure

fifth amendment

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

evidence suppression

QUESTIONS PRESENTED

1. Whether Officer Reese's statement, made after Blake invoked his right to counsel and while officers presented him with charging documents incorrectly stating that he faced the death penalty, was the functional equivalent of custodial interrogation under Miranda and Edwards.
2. Whether Blake's later question, "I can still talk to you?", constituted initiation of further communication sufficient to permit a valid waiver of his previously invoked right to counsel.
3. Whether Detective Johns's warning that the officers could not talk to Blake, followed by a twenty-eight-minute delay and renewed Miranda warnings, cured the earlier Edwards violation.

HOLDINGS

1. After Blake invoked his right to counsel, Officer Reese's statement, made in conjunction with the delivery of charging documents falsely indicating that Blake faced the death penalty, constituted the functional equivalent of custodial interrogation.
2. Blake did not legally initiate further communication with the police because his question was a direct response to the preceding unlawful interrogation and coercive circumstances.
3. The subsequent re-advisement and waiver of Miranda rights did not cure the prior police-initiated interrogation or render Blake's later statements admissible.

KEY QUOTATIONS

"[T]he term 'interrogation' under Miranda refers not only to express questioning, but also to any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect." (419)

"Merely presenting an accused with a charging document, without more, is not the functional equivalent of interrogation." (420)

"We hold that all statements made by petitioner after he invoked his Miranda rights are inadmissible and the motion to suppress the statements was properly granted." (423)

FACTUAL BACKGROUND

Blake, who was seventeen years old, was arrested for murder in the early morning and invoked his Miranda right to counsel after being taken to the police station. Shortly thereafter, officers gave him charging documents that incorrectly stated the penalty for first-degree murder as death, and Officer Reese said, in a loud and confrontational tone, "I bet you want to talk now, huh!" Blake later asked whether he could still talk to the police, waived his rights after being re-advised, and made incriminating statements, including statements during

a subsequent polygraph examination. The circuit court found that the statements resulted from the police-initiated interrogation and suppressed them.

PROCEDURAL HISTORY

Blake was indicted for murder and related offenses. The circuit court granted his motion to suppress statements obtained after he invoked his right to counsel, finding that a police officer's statement constituted interrogation in violation of Miranda and Edwards. The Court of Special Appeals reversed, and the Court of Appeals reversed the intermediate appellate court and directed it to affirm the suppression order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Court of Special Appeals, remand to that court with instructions to affirm the Circuit Court for Anne Arundel County's suppression judgment, and remand the case to the circuit court for further proceedings under Maryland Code, Courts and Judicial Proceedings Article § 12-302(c)(3)(iv).

CASES CITED

- Miranda v. Arizona, 384 U.S. 436 (1966)
- Edwards v. Arizona, 451 U.S. 477 (1981)
- Rhode Island v. Innis, 446 U.S. 291 (1980)
- Oregon v. Bradshaw, 462 U.S. 1039 (1983)
- Smith v. Illinois, 469 U.S. 91 (1984)
- Arizona v. Mauro, 481 U.S. 520 (1987)
- Drury v. State, 368 Md. 331, 793 A.2d 567 (2002)
- Radovsky v. State, 296 Md. 386, 464 A.2d 239 (1983)
- White v. State, 374 Md. 232, 821 A.2d 459 (2003)
- State v. Rucker, 374 Md. 199, 821 A.2d 439 (2003)
- State v. Conover, 312 Md. 33, 537 A.2d 1167 (1988)
- United States v. Cooper, 19 F.3d 1154 (7th Cir. 1994)
- State v. Munson, 594 N.W.2d 128 (Minn. 1999)
- Holman v. Kemna, 212 F.3d 413 (8th Cir. 2000)
- United States v. Gomez, 927 F.2d 1530 (11th Cir. 1991)
- Dunkins v. Thigpen, 854 F.2d 394 (11th Cir. 1988)
- United States v. Walker, 624 F. Supp. 103 (D. Md. 1985)
- Michigan v. Jackson, 475 U.S. 625 (1986)

