

SUPREME COURT OF COLORADO

People v. Broder

222 P.3d 323 (Colo. 2010) · No. 09SA228 · Decided January 11, 2010

SUMMARY

The Supreme Court of Colorado held that Chad Broder's statements during custodial interrogation did not constitute an unambiguous invocation of his Fifth Amendment right to counsel under Miranda. The court concluded that the interrogating officer permissibly asked limited clarifying questions, reversed the trial court's suppression order, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Martinez
JURISDICTION	Colorado
DECIDED	January 11, 2010
DOCKET	09SA228
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The People brought an interlocutory appeal under C.A.R. 4.1 and section 16-12-102(2), C.R.S. (2009), challenging a trial court order suppressing statements made during custodial interrogation.
STANDARD OF REVIEW	Suppression rulings present mixed questions of law and fact. The court defers to supported factual findings but reviews legal conclusions de novo and considers the totality of the circumstances in determining whether a defendant clearly invoked the right to counsel.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	The People of the State of Colorado v. Chad Broder

TOPICS

- suppression of evidence
- miranda rights
- fifth amendment
- criminal procedure
- interlocutory appeal

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Broder's statements about speaking with his lieutenant and obtaining coverage for counsel constituted an unambiguous invocation of his Fifth Amendment right to counsel under Miranda.
2. Whether the interrogating officer could ask limited clarifying questions before obtaining a valid waiver when Broder's statements concerning counsel were ambiguous.

HOLDINGS

1. Broder's statements about speaking with his lieutenant and obtaining coverage for counsel were ambiguous and equivocal under the totality of the circumstances, and did not place a reasonable police officer on notice that Broder intended to invoke the right to counsel for the interrogation.
2. When a suspect's statements concerning the right to counsel are ambiguous, the interrogating officer may conduct a limited inquiry for the sole purpose of determining whether the suspect wants an attorney before proceeding and obtaining a waiver.

KEY QUOTATIONS

"We hold that Detective Lobato was permitted to ask additional questions to clarify Broder's ambiguous statements before obtaining a valid waiver." (326)

"Therefore, Detective Lobato was justified in conducting a limited inquiry to resolve this ambiguity." (328-329)

"We hold that Detective Lobato was justified in engaging in a limited inquiry to clarify Broder's ambiguous and equivocal statements to determine if Broder wished to invoke his Fifth Amendment right to counsel." (329)

FACTUAL BACKGROUND

Chad Broder, a police officer, was arrested and interrogated about alleged unwanted sexual advances toward an eighteen-year-old woman whom he had arrested and was transporting to jail. After receiving Miranda warnings, Broder made confused statements about speaking with his lieutenant and obtaining "coverage for counsel," while also repeatedly stating that he would talk to the detective. After limited clarification by the detective, Broder repeatedly said he would talk, signed a Miranda waiver form, and made incriminating statements during the ensuing interrogation.

PROCEDURAL HISTORY

Broder moved to suppress statements made after his arrest and interrogation by Detective Dennis Lobato. Following a suppression hearing, the trial court found that Broder had made an unambiguous request for counsel and that the detective had failed to scrupulously honor it, so it suppressed all interrogation statements. The People filed an interlocutory appeal, and the Colorado Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court's order suppressing Broder's statements was reversed, and the case was remanded for further proceedings.

CASES CITED

- People v. Adkins, 113 P.3d 788 (Colo. 2005)
- Miranda v. Arizona, 384 U.S. 436, 444-45 (1966)
- Edwards v. Arizona, 451 U.S. 477, 484-85 (1981)
- People v. Wood, 135 P.3d 744, 753 (Colo. 2006)
- Davis v. United States, 512 U.S. 452, 458-62 (1994)
- People v. Bradshaw, 156 P.3d 452, 458 (Colo. 2007)
- People v. Benjamin, 732 P.2d 1167, 1170-71 (Colo. 1987)
- People v. Romero, 953 P.2d 550, 554-56 (Colo. 1998)
- McNeil v. Wisconsin, 501 U.S. 171, 178 (1991)
- People v. Harris, 191 Colo. 234, 552 P.2d 10 (1976)
- People v. Redgebol, 184 P.3d 86 (Colo. 2008)
- People v. Cerezo, 635 P.2d 197 (Colo. 1981)
- People v. Kleber, 859 P.2d 1361, 1363-64 (Colo. 1993)
- Michigan v. Jackson, 475 U.S. 625, 633 (1986)
- Smith v. Illinois, 469 U.S. 91, 97-99 (1984)