

## FIFTH AMENDMENT

### When Are *Miranda* Warnings Required for Questioning of a Prisoner?

#### CASE AT A GLANCE

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Randall Lee Fields, serving a prison sentence for sexual contact with a minor, sought a writ of habeas corpus on the ground that admissions he made to police officers who questioned him should not have been allowed into evidence because they violated his right against compelled self-incrimination. He claims that the failure of police interrogators to advise him, when he was in jail on an unrelated matter, of his rights under *Miranda v. Arizona* made those statements inadmissible. The trial court granted the writ and the Sixth Circuit affirmed. Michigan asks the Supreme Court to reverse, asserting that the Sixth Circuit improperly applied precedent in determining that Fields was in custody for *Miranda* purposes.

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***Howes v. Fields***  
**Docket No. 10-680**

**Argument Date: October 4, 2011**  
**From: The Sixth Circuit**

by Alan Raphael  
Loyola University Chicago School of Law, Chicago, IL

#### ISSUE

Is a prisoner always “in custody” for purposes of *Miranda v. Arizona*, 384 U.S. 436 (1966), when the prisoner is isolated from the general prison population for questioning about conduct that occurred outside the prison?

#### FACTS

In 2002, Randall Lee Fields was convicted in a Michigan criminal trial of two counts of third degree sexual conduct and sentenced to a term of ten to fifteen years in prison. Prior to trial, Fields had moved to suppress an incriminating statement he made under police questioning while locked up in a county jail on an unrelated charge. The trial court denied the motion and admitted the statement in evidence.

In the jail serving a sentence for disorderly conduct, Fields was taken from his cell by a corrections official to a conference room in another part of the sheriff’s department. The officer gave Fields no choice but to accompany him and did not tell Fields the purpose of his removal. Fields was dressed in a prison uniform but was not handcuffed or shackled. Once he was inside the room, its door was locked. Two armed sheriff’s deputies, who did not work at the jail, questioned Fields about his relationship with a minor named Travis Bice. The officers did not inform Fields of his rights under *Miranda v. Arizona* to remain silent or to have counsel present at any interrogation. The session began at 7:00 p.m. and lasted seven hours, many hours beyond the normal bedtime for prisoners. Despite Fields having serious health problems that required an array of medications, including drugs to prevent rejection of an organ transplant, Fields was not given his regular evening medication until the next morning.

During the questioning, the officers several times told Fields that he could end the interview anytime he chose, but that it might take twenty minutes until he could return to his cell because a corrections officer would have to be summoned to escort him. Fields testified that he was told he could leave but that he felt he had to answer the questions. Fields never requested an attorney nor asked to be returned to his cell. One of the officers testified that Fields yelled at him, after which he told Fields not to behave that way and that he could return to his cell if he persisted in doing so. Fields claimed that an officer shouted at him. Asked if he engaged in sexual conduct with Bice, Fields initially denied doing so but subsequently admitted three instances of masturbation or oral sex with the youth.

On appeal Fields challenged the denial of his motion to suppress the statements and raised other issues, but the Michigan Court of Appeals affirmed the conviction. The court reasoned that compliance with *Miranda* was not required because its protections only apply to custodial interrogation; according to the court, Fields was not in custody as defined by *Miranda* and cases applying its rule. The Michigan Supreme Court denied Fields leave to appeal that decision. Next, Fields sought a writ of habeas corpus in federal district court, alleging that prison warden Carol Howes was incarcerating him in violation of the United States Constitution as a result of the ruling on the suppression motion. The district court granted the writ, reasoning that the state court unreasonably applied the United States Supreme Court decision in *Mathis v. United States*, 391 U.S. 1 (1968), and that the error was harmless. The United States Court of Appeals for the Sixth Circuit affirmed the district court ruling, holding that the state court decision was contrary to *Mathis* rather than an unreasonable application of that decision.

The Sixth Circuit rationale was that *Mathis* created a rule that “a Miranda warning is required whenever an incarcerated individual is isolated from the general prison population and interrogated, i.e., questioned in a matter likely to lead to self-incrimination, about conduct occurring outside the prison.” The appellate court found support for its analysis in last year’s United States Supreme Court decision in *Maryland v. Shatzer*, 130 S. Ct. 1213 (2010). According to the Sixth Circuit, *Shatzer* demonstrates that “faced with a factual scenario of an inmate being removed from his cell and being interrogated about an unrelated crime, the Supreme Court expressed no doubt that a Miranda warning was required.” In addition, it noted that “in finding that the defendant in *Shatzer* was in custody, the Supreme Court did not address the physical circumstances of the interrogation.”

## CASE ANALYSIS

*Miranda v. Arizona* is one of the most important Supreme Court decisions spelling out constitutional requirements applicable to criminal cases. It implements the provision of the Fifth Amendment prohibiting the government from compelling a defendant to provide self-incriminating testimony. *Miranda* does so by limiting the admissibility in criminal trials of statements made to police or other governmental representatives. Although the Fifth Amendment had long been held to prohibit the admission of statements resulting from government use of actual force or threats of force, *Miranda* further restricted admissibility of some statements that were voluntary. It concluded that “the very fact of custodial interrogation exacts a heavy toll on individual liberty and trades on the weaknesses of individuals,” creating an inherently compulsive atmosphere that overbears the will of the person being questioned in the same way that is done by actual compulsion.

According to *Miranda*, upon a timely pretrial motion no statement obtained during custodial interrogation is admissible “unless adequate protective devices are employed to dispel the compulsion inherent in custodial surroundings. . . .” The police must advise a person before questioning of certain constitutional rights and obtain waivers of those rights before any statements are made, in order for those statements to be admissible in the government’s case against the person. *Miranda* requires that an individual undergoing custodial police questioning be told of his or her right to remain silent, and that any statement can be used against him or her in a court of law; of the right to have an attorney present at any questioning; and that the state will appoint an attorney for any person who wishes and is unable to afford counsel. These protections are required in all instances of “questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.”

*Miranda* applies only to questioning of a person in custody. Custody occurs when there is a “formal arrest or restraint on freedom of movement of the degree associated with a formal arrest” such that a reasonable person would not have felt free to terminate the interrogation and leave. A court considering whether a person is in custody for *Miranda* purposes must look at the circumstances surrounding the questioning and make an objective determination of “how a reasonable man in the suspect’s position would have understood his situation.” This requires a careful assessment of matters such as the location of the interrogation, the number of police officers involved, whether the officers are armed or made a show of force, the use of any physical restraints, the nature and length of the questioning,

whether the suspect came on his own in response to a police request or order, and whether he has been told that he may terminate the session or leave.

Among the circumstances to be considered in determining if there is custody for *Miranda* purposes is whether the place of the interrogation is one that is comfortable, familiar to, or controlled by the person being questioned. A suspect’s living room or private office is less likely to be found to be custodial than a police interrogation room or a prison, but the location is merely a factor to be considered and is not determinative of the question of custody. In *Oregon v. Mathiason*, 429 U.S. 492 (1977), the Supreme Court found that a parolee was not in custody in a police station when he responded to a police note asking him to contact them, came by himself to the station, was told that he was not under arrest but would be questioned about a burglary, and was informed that his fingerprints had been found at the scene of the crime.

Last year the Supreme Court decided a *Miranda* custody issue in *J.D.B. v. North Carolina*, 564 U.S. \_\_\_ (2010). In *J.D.B.*, the Court concluded that the age of a juvenile is a relevant factor in determining whether he was in custody in order to decide if his statements made pursuant to police questioning at his elementary school should have been admitted against him in juvenile delinquency proceedings. The *J.D.B.* Court quoted prior decisions as requiring a two-part test for custody under *Miranda*: “[F]irst, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was at liberty to terminate the interrogation and leave.” The Court made clear that the subjective views of the interrogating officer or the suspect are irrelevant to the determination of custody. *J.D.B.* cautions against limiting the inquiry to specific matters, choosing instead to “examine all of the circumstances surrounding the interrogation.”

In the present case, the Sixth Circuit held that the trial court had failed to follow *Mathis v. United States*, which held *Miranda* applicable to questioning of a prison inmate about tax fraud, conduct occurring outside the prison. The appellate court viewed *Mathis* as establishing that *Miranda* warnings are required for the admission of a statement made by an incarcerated person removed from the general prison population and questioned about conduct outside the prison. The Court of Appeals reasoned that those circumstances create the impression that “the inmate has no choice but to cooperate.”

*Mathis* was serving a state sentence when federal government agents came to his prison to question him about possible tax fraud and elicited responses used as evidence against him on criminal tax fraud charges. The Court rejected the government’s arguments that *Miranda* was inapplicable because *Mathis* was in custody on another charge and because these matters much more frequently led to civil lawsuits rather than criminal charges. The Supreme Court found that the reason for being in custody was irrelevant to *Miranda* analysis and that the questioning was about matters that could lead to a criminal trial. The *Mathis* Court never discussed the circumstances surrounding the questioning but simply determined that the statement was inadmissible because of noncompliance with *Miranda*. Although *Mathis* appears to assume that any person incarcerated is in custody under *Miranda*, Michigan argues that custody was assumed by the parties in the case and the Supreme Court never decided the issue. By restricting the finding of custody

to questioning of incarcerated persons removed from the general population and questioned by officers from outside the jail or prison, Fields seeks a narrower rule than what the Court appeared to have created in *Mathis*.

Because this case arises from a habeas petition rather than on direct appeal, it is not enough for Fields to show that the Michigan court's decision was wrong. Under the federal statute governing habeas petitions, the petitioner must show that the court's decision causing his incarceration is based on a state court holding that is contrary to or an unreasonable application of clearly established United States Supreme Court precedent.

Michigan argues that the Sixth Circuit decision erroneously created an absolute rule that custody always exists if an incarcerated person is questioned about conduct occurring outside the institution and the individual has been removed from the general prison population for the interrogation. According to Michigan, such a rule is inconsistent with Supreme Court precedent because it fails to consider all the circumstances surrounding the making of a statement. Michigan relies on *Maryland v. Shatzer*, in which the Supreme Court held that a prisoner returned from interrogation to the general prison population for over two weeks is not in custody for *Miranda* purposes and that the inherently compulsive atmosphere which *Miranda* warnings are meant to dissipate would no longer exist under those circumstances.

Shatzer was serving a prison sentence when police officers came to his institution, once in 2003 and twice in 2006, removed him each time to a private room for questioning, and asked about his involvement in a crime unrelated to the conviction that caused him to be in prison. All three times, the officers complied with *Miranda*. In 2003, Shatzer invoked his right to counsel and the questioning ceased. In 2006, he did not invoke his rights to counsel or silence. Instead, Shatzer waived his rights and made statements, which incriminated him. The Supreme Court limited prior law that held that a valid waiver of *Miranda* could not be shown after an invocation of the right to counsel if the police restarted questioning by creating a two-week limit to the preclusion on restarting questioning after a person invokes his right to counsel subsequent to being read his *Miranda* rights. As the *Shatzer* Court observed: “[L]awful imprisonment imposed upon conviction of a crime does not create the coercive pressures identified in *Miranda*. . . . Interrogated suspects previously convicted of crime live in prison. When they are released to the general prison population, they return to their accustomed surroundings and daily routine. They retain the degree of control they had over their lives prior to the interrogation. [They] are not isolated with their accusers.” *Miranda* custody does not exist just because the suspect is incarcerated and subject to the types of restrictions on freedom of movement that are common incidents of being prisoners.

Michigan contends that having Fields accompanied from his cell to the conference room and back, and the locking of the conference room door, were common attributes of prison management and thus did not create the police-dominated atmosphere that *Miranda* deemed necessary to counter. Further, the undisputed testimony that the deputies told Fields that he was free to return to his cell when he wished demonstrated that a reasonable person in Fields's situation would feel free to terminate the interrogation, so that *Miranda* warnings were not required. Finally, Michigan argues that the nature or location of the conduct about which the officers question a suspect is irrelevant to the determination of whether he was in custody when interrogated.

Fields asserts that the Sixth Circuit decision was correct and should be affirmed. He claims that Supreme Court precedent from several decisions, taken together, clearly establish that he was in custody when interrogated and thus his statements should have been suppressed because they did not comply with *Miranda*. In addition to relying on *Miranda*, *Mathis*, and *Mathiason*, Fields also relies on *Illinois v. Perkins*, 496 U.S. 292 (1990). In that case the Court held that the questioning in a prison cell of an inmate by an undercover informer whom the inmate did not know was acting on behalf of the state did not require *Miranda* warnings for admission of the inmate's admissions. In contrast to the situation in *Perkins*, Fields points out that he was removed from his cell to be interrogated by persons he knew to be government agents, differences that he claims require compliance with *Miranda* before admitting any statements. Fields states that the Sixth Circuit has applied clearly established Supreme Court precedent and enunciated a clear and easily applied rule to determine when prison questioning is custodial and requires *Miranda* warnings and a showing of waiver.

## SIGNIFICANCE

Frequently, police question individuals who are in jail or prison about crimes other than those responsible for their current deprivation of liberty. In many instances, people serving time may have knowledge of or been involved in other crimes or have information about other people's criminal behavior. The rule adopted by the Sixth Circuit bars admission of any self-incriminating statement made during the interrogation of the incarcerated person, without compliance with *Miranda*, if the officers come from outside the jail or prison and the prisoner is questioned in isolation about conduct occurring outside the institution. Because common interrogation techniques call for conducting questioning in private, the appellate court's rule would almost always require compliance with *Miranda* when police go to a correctional institution to question an inmate, except if the subject of the interrogation related to possible crimes at the institution. Thus a decision clarifying when police interrogation of an incarcerated person qualifies as “custody” would affect many trials and would provide guidance to police regarding when they need to comply with *Miranda* when questioning suspects in jails or prisons.

The Supreme Court could decide this case without reaching the merits of the appellate court's decision by determining that the result was not required by clearly established precedent and thus that habeas relief was inappropriate. If the Court does reach the merits, the result is likely to be a reversal of the ruling granting Fields the writ of habeas corpus. The Sixth Circuit rule is clear and would be easy to carry out and would provide clear guidance to police agents questioning incarcerated people. However, such a rule ignores the repeated Supreme Court precedent, recently reiterated in *J.D.B.* and *Shatzer*, that custody is determined not by any specific facts alone but instead by a consideration of all the circumstances surrounding an interrogation. The likely reasoning of the Court would be that being removed from the general prison population and being questioned in private do not by themselves demonstrate custody but rather are among the factors that should be evaluated in determining if the inmate was in custody so that compliance with *Miranda* was required before admitting his statements.

The *Mathis* decision provides strong support for Field's argument because that decision did not consider any surrounding facts regarding the questioning in determining that *Mathis* was in custody while

incarcerated, but it never explicitly stated that a jail or prison inmate is always in custody for *Miranda* purposes. The other cases relied upon by Fields do not support the per se rule he advocates. *Mathison* clearly stands for the proposition that custody is determined by a totality analysis rather than solely on the location of the questioning. *Perkins* demonstrates that in some instances an incarcerated person will be found not to be in custody, although that decision could be limited to situations where the suspect does not know he is speaking to a police agent and thus cannot perceive any governmental compulsion. *Shatzer* determined that a prisoner was not in custody when in the general prison population, but the decision never held that being removed from the general prison population for questioning always puts the inmate being questioned in custody.

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Alan Raphael is a member of the faculty of Loyola University Chicago School of Law and teaches criminal procedure and constitutional law. He can be reached at araphae@luc.edu or 312.915.7140.

*PREVIEW of United States Supreme Court Cases*, pages 11–14.  
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## ATTORNEYS FOR THE PARTIES

For Petitioner Carol Howes (John J. Bursch, 517.373.1124)

For Respondent Randall Lee Fields (Elizabeth L. Jacobs, 313.962.4090)

## AMICUS BRIEFS

In Support of Petitioner Carol Howes

Ohio (Alexandra T. Schimmer, 614.466.8980)

United States (Lanny A. Breuer, 202.514.2217)

In Support of Respondent Randall Lee Fields

Donovan E. Simpson (Craig Goldblatt, 202.663.6000)