

Children's Law Center of Indiana



Delinquency

02/16/2007

In **P.M. v. State**, 861 N.E.2d 710 (Ind. Ct. App. 2007), the Court affirmed the juvenile court's adjudication of the juvenile as a delinquent child for committing an act which would be Theft as a Class D misdemeanor if committed as an adult. In November 2005, some materials were stolen from a construction site. Some of the materials were traced to a metals company, and the juvenile and another individual were identified as the source of the stolen materials. An electrician went to the metals company where the juvenile and police were present. The electrician from the construction site identified the material including a 1000-foot spool of wire as that which had been stolen. The electrician, out of curiosity, asked the juvenile how they had been able to move the 1000-foot spool of wire up into their truck. The juvenile responded that it had not been easy, but that they had "worked together" and used wooden steps to roll it into the back of a truck. The juvenile had not been properly informed of his Miranda rights at this point. The electrician's testimony as to this conversation was admitted into evidence at the March 24, 2006 hearing. Thereafter, the juvenile court made a true finding of the juvenile's delinquent act with respect to the items identified by the electrician. The juvenile appealed, claiming that the police failed to advise him of his Miranda rights before he made the incriminating statements to the electrician and, therefore, the statements were admitted in violation of the juvenile's right against self-incrimination.

There was no abuse of discretion by the juvenile court in ruling the juvenile's statements to be admissible. *Id.* at 713. The Court noted that Miranda warnings are only required where a suspect is both in custody and subjected to interrogation. **Rhode Island v. Innis**, 446 U.S. 291, 300 (1980). There is no dispute as to the fact that the juvenile was in custody at the time in question, but he was not being subjected to interrogation at the time of his statements. Under **Miranda**, "interrogation" includes express questioning and words or actions on the part of the police that the police know are reasonably likely to elicit an incriminating response from the suspect. *Id.* at 301. The Court agreed with the juvenile court that there was no evidence that the electrician was acting on behalf of the authorities. The Court was unconvinced that the mere presence of police officers when a private party asks a single question rises to the level of custodial interrogation triggering the Miranda protections. *P.M.* at 713-14. Regarding the juvenile's argument that the statements were involuntary, the Court noted that coercive police activity is a necessary prerequisite to finding a confession is not voluntary within the meaning of the Due Process Clause of the Fourteenth Amendment. **A.A. v. State**, 706 N.E.2d 259, 262, (Ind. Ct. App. 1999). The critical inquiry is whether, upon considering the totality of the circumstances, a defendant's statements were induced by violence, threats, promises or other improper influence. *P.M.* at 714.