

3)

MPT

Oral argument:

Your Honor, here, I aim to rebut Defense counsel's motion to exclude the statement provided by defendant Sebastian Hughes to Officers Detective Ray and Detective Martindale on the evening of the murder of his uncle and victim Peter Gault as involuntary statement. Defense is trying to frame the statement made by Defendant as involuntary, based on claims that defendant was not sufficiently lucid and the questioning was conducted under coercive circumstances. Defense counsel has already unsuccessfully argued that Defendant's statement should be excluded due to failure of *Miranda* warnings, as you have denied such motion on the basis that the Defendant was not in custody for *Miranda* purposes. Now Defense is arguing that Defendant Hughes' statement made at the hospital at the night of the murder was not a result of a rational intellect and free will.

I'd like to explain exactly why Defendant's defense of self-defense is fully inaccurate and his statement to Officers Ray and Martindale reflect the truth of the occurrences on the day that Peter Gault was murdered. Precedents such as *Mincey v. Arizona*, and the more Supreme Court decision *State v. Perdomo* clearly lay the elements required for the exclusion of admissions or statements when obtained in true coercion. These cases also reflect exactly why they shouldn't apply to Defendant's case. I aim to show why Hughes' statement should not be excluded, quite the opposite, why it is crucial in proving his intent to kill the victim on August 22, 2022.

First of all, I'd like to take a close look at the issue we are discussing. Defense counsel is trying to exclude the statement Defendant gave to officers in the hospital where he was receiving medical treatment for wounds incurred during his deadly fight with the victim, Gault. As per *Mincey*, a statement will be deemed involuntary if not the product of "a rational intellect and free will". To determine psychological coercion, an analysis of the whether influence brought to bear upon a defendant are such as to overbear their will to resist and lead to confessions not freely self-determined - here I'm referring to *State v. Perdomo*. There are two elements to the statement that I'd like to hone into to prove that the statement should not be excluded as it was voluntary.

First, let's hone into the characteristics of the Defendant, in other words accused. I'd like to analyze Defendant's state at the time of the statement, both his physical condition, as well as his mental state - his responsiveness, understanding of the situation and psychologic capacity to process the events occurred. Then, I will move to the details of the questioning, based on its length, location, continuity, the officer's demeanor, and the general atmosphere under which Hughes provided his statement. This will clearly show that this statement is clearly an admission of intent, which cannot be deemed involuntary under the Due Process Clause of the 14th Amendment, as there is no coercive police activity.

Let's start with the Defendant's state at the time of his statement. Your Honor, listening to the recording of the statement, it is clear that Officer Ray started the conversation by ensuring Defendant had the mental capacity to understand that he was being asked questions by the officer in relation to the occurrences relating to the victim's death, and that Defendant was not

under arrest. Based on the Defendant's answer of being "a little drugged up" but able to speak, and his confirmation that "it's ok" to proceed with a recorded interview, it is clear that the Defendant had the mental capacity to provide a statement. Based on Defendant's coherent responses to the initiation of the recorded interview, we see that he understood the situation and had the psychological capacity to process the events occurred. On the other hand, when we look at Mincey, where the court held that the statement made must be excluded, the defendant of said case was interrogated while going in and out of consciousness, unable to speak due to tubes in his throat, only responding by writing on sheets of paper and producing written responses which were incoherent and on their face showed he was confused and unable to think clearly. In contrast here, Hughes was lucid, maybe under a minimal effect of pain medication, if at all. In addition, as opposed to precedent, the demeanor of officers was calm and contained, tone used very similar to State v. Perdomo - there was clearly no use of intimidation or other undue influence to coerce Hughes to make his statement.

On the other hand, if we look at the details of the interrogation - the length, location and continuity, we can again see that there is no coercion or undue influence which would make the statement be excluded. Officers Ray and Martindale have kept the interview to a minimum, leaving after obtaining clear responses, not cutting the Defendant off or asking closed ended questions, were calm and composed. These are similar to State v. Perdomo and highlight that the questioning did not aim to intimidate or coerce the Defendant. His statement was clearly voluntary.

Finally, there are no signs of additional coercion as provided for in State v. Perdomo. Therefore the statement should not be excluded as requested by Defense counsel.

Question #3 Final Word Count = 881

END OF EXAM