

3)

To: Jan Dauss, State's Attorney

From: Applicant

Date: 2/21/23

Re: State v. Hughes

Oral Argument

May it please the court,

Defendant's statement was voluntary and thus should not be excluded from trial because he was mentally stable when making his statements and interrogation was not coercive.

A statement is involuntary if it is not the product of "a rational intellect and free will." Perdomo citing Arizona. In Perdomo, the court held in favor of the State noting that absent some indication of coercive police activity, an admission or confession cannot be deemed involuntary within the Due Process Clause of the Fourth Amendment. The court reasoned that the question posed by the Due process Clause in cases of claimed psychological coercion is whether the influences brought to bear upon the accused were such as to overbear petitioner's will to resist and bring about confessions not freely self-determined. In determining whether or not an accused's will is overborne an examination must be made of all surrounding circumstances, including 1) the characteristics of the accused and 2) the details of the interrogation. Perdomo.

Characteristics of the Accused

In Perdomo, the court noted that the characteristics of the accused include factors such as defendant's maturity, education, physical condition, and mental health (including mental acuity).

In Perdomo, the court discussed the case of Arizona because the defendant claimed parallel from that case to conclude defendant's statements were involuntary. In Arizona, the court found the defendant's statements after being moved from an emergency room to an intensive care unit were involuntary because the defendant's will was simply overborne as he was weakened by pain and shock, isolated from family, friends, legal counsel, and barely conscious. Perdomo. Although Perdomo asserted similarities, the court found the defendant's testimony in Perdomo to be voluntary.

Defendant's testimony in Perdomo was voluntary because he was not interrogated while going in and out of consciousness or within hours after receiving medical treatment. And, two hours after the interview, he was moved out of the ICU and taken off intravenous pain medication. Perdomo. The court, while conceding that while the defendant was still under the influence of pain medication, noted that the morphine he received almost six hours ago was likely diminished in his system. Perdomo.

The present case is similar to Perdomo than Arizona. There was no evidence of Hughes being barely unconscious or going in and out of consciousness (like in Arizona). Hughes had been in

the hospital for eight hours and gotten out of surgery two hours ago. While Hughes claimed that he was drugged up after surgery, and two hours is much shorter time period than almost six as in Pedromo, nothing in the tape shows that the defendant's thinking was impaired by medications.

Like Pedromo, Hughes' testimony also did not show effects of pain medication deterring him from speaking willfully. Hughes speech was slow and deliberate, not slurred or incoherent, like in Pedromo. Hughes' answers were appropriate to the question asked, and in some instances detailed like in Pedromo where that defendant was able to name companies, officers, and spell out names and recite numbers without difficulty. Here, Hughes detailed the interaction from the phone call from Peter to him getting to work, to him inserting a wrench in his shirt pocket as protection, and even clarifying that he had "forgot to mention" that he also got a knife along with the wrench. If Hughes was incoherent then he would not have remembered that he had forgotten. The court also found important that the defendant in Pedromo was even alert enough to attempt to deceive the officers. Pedromo. Here, Hughes claimed that it was self-defense, asserted that he was willing to go on a lie detector test, even offered to have the officers check his phone records, or talk to family. He also suggested that he was well enough to stay awake to watch a football game.

Thus, Hughes's statements were voluntary as they were a product of rational intellect and free will.

Details of Interrogation

In Pedromo, the court highlighted certain factors that indicate coercion, like length, location and continuity of interrogation. And, additional factors regarding officer conduct like whether the officers dominated or controlled the course of interrogation, whether they allowed the defendant to tell his story, then asked follow-up questions to clarify the details, whether their questions were open-ended and neither aggressive nor particularly accusatory in nature, whether there is evidence that the officers had or drew weapons or otherwise employed threatening or intimidating interrogation tactics. Here, no single factor is dispositive.

Like Pedromo, the court found that in Arizona the interrogation was involuntary because the detectives ceased the interrogations only during the intervals when the defendant lost consciousness or received medical treatment and after each interruption returned relentlessly to their task. Thus, the statements were the result of virtually continuous questioning of a seriously and painfully wounded man on the edge of consciousness. Pedromo.

Here, Hughes was questioned for only 30 minutes which is similar to Pedromo where the court found a 20 minute interview to not be coercive. Additionally, during this time, the medical staff came and drew blood, and Hughes even asked the detectives "you guys aren't leaving, are you?" which indicates more likely that he was not bothered by the questioning or unaware of his surroundings. Like Pedromo, the interview included a pause for the medical examiner to draw blood. Hughes also made no requests for assistance of counsel or expressed any distress or otherwise indicated unwillingness to speak to the officers. Hughes described the incident in detail and did not make any comments that he was being asked for any information he did not want to provide. He asked for this mother's wellbeing but that was likely out of concern for her health. Further, there were several pauses throughout the questioning where there were follow-up questions and Hughes was able to clarify and answer those questions clearly with specific detail. Thus, there was no psychological pressure.

Thus, Hughes' statements were voluntary as they were not a result of coercive police activity.

Thank you for your time, and I request that this court rule in favor of the State and find that the defedant's statements were voluntary.

Question #3 Final Word Count = 1039

END OF EXAM