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To: Jan Dauss

From: Applicant

Date: February 21, 2023

Re: Oral Argument in Opposition to Suppression of Defendant Hughes Statement

## **Oral Argument in Opposition to Suppression of Statement of Defendant Sebastian Hughes**

### **Introduction**

Defendant, Sebastian Hughes, is being charged with murder after he fatally stabbed his uncle Peter Gault during a dispute over a Corvette car engine. Defendant asserts that he acted in self defense and now seeks to suppress a statement made to detectives while he was in the hospital recovering from a stab wound inflicted by his uncle.

Defendant's counsel moves to suppress the statement made by Defendant Mr. Hughes on the grounds that the statement was not voluntary and therefore should be excluded from his trial. Your honor I hereby request that this request be denied. Counsel for defendant is now arguing that the statement made by Mr. Huges was involuntary because he was not sufficiently lucid and the surrounding circumstances were such that his statement was not a result of a rational intellect and free will. As stated in our pre-trial hearing the only facts that the People concede to are that Mr. Hughes was stabbed and underwent surgery and was administered a form of medication thereafter. These facts in themselves do not give rise to an involuntary statement and the People are prepared to demonstrate that fact today. The People are prepared to demonstrate that Defendant Mr. Hughes' statements were made voluntarily and Mr. Hughes was lucid and volunteered all of the information to detectives voluntarily and not coerced.

### **Defendant Mr. Hughes' Statement Was Not Involuntary**

The court on Mincy v. Arizona, held that a statement is involuntary if it is not a product of "a rational intellect and free will" (Mincy US 1978). Here, the Defendant is arguing that his statement was not voluntary because it was not a product of rational intellect and free will however the People are prepared to demonstrate that the Defendant was coherent, with rational intellect when he made his statement and that his statement was a product of free will.

To begin, when Detective Ray and Martindale interviewed Mr. Hughes after his surgery and while he was recovering from his stab wound, Mr. Hughes was coherent enough to inform the officers that he had tubes in his lungs and a little drugged up but was able to speak. His first initial words to the officers were in the form of a question asking "He's dead?" in reference to his uncle Mr. Gault. Mr Hughes continued on to discuss with the detectives and recall the time his uncle called him at 11:00am, that the call was regarding the whereabouts of a Corvette engine he had been storing at the garage of his mom's house. Mr. Hughes additionally recalled the amount that he sold the engine for, \$800, several months ago and recalled informing his uncle

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of the sale at that moment. Mr. Hughes additionally informed the detectives that he "reminded his uncle that he had sold him the engine and he figured it was his to sell". This is a lot of information and merely the beginning to the narrative provided by Mr. Hughes to Detectives Ray and Martindale. A person of rational intellect can likely recall the time a phone call was made, the conversation that took place and here even the emotion exhibit by the other person, when Mr. Hughes indicated to the Detectives that his uncle was "mad".

The court in Mincey held that 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 determined. Here, Mr. Hughes' statements were not of any product of coercion but of a coherent man interested in telling his story to the police. Mr. Hughes additionally provided specific details down to minutes and emotions that demonstrated that he was lucid and aware. There is no indication that Mr. Hughes did not understand or suffered any form of confusion.

### **Surrounding Circumstances**

In determining whether or not an accused's will is overborne, an examination must be made of all the surrounding circumstances including: 1) the characteristics of the accused, including such factors as the defendant's maturity, education, physical condition, and mental health including mental acuity and 2) details of the interrogation that indicate coercion which include the length of the interrogation, the location of the interrogation and the location's continuity.

### **Characteristics of the Accused**

In Mincey which is the controlling precedent case, the court determined that the Defendant Mincey had been shot with damage to his sciatic nerve and was almost to the point of coma. Mr. Mincey underwent surgery and suffered paralysis of the his right leg and was administered a catheter. Mr. Mincey had several drugs in his system and medical personnel attached a device so he could be fed intravenously. The detectives in that case questioned the Defendant even though he couldn't speak and had to write answers on paper and the questioning continued well into midnight even after the Defendant requested assistance of counsel and asked for the interrogation to cease and stated he could not stand his pain. Additionally his face demonstrated pain and his answers were written incoherently and he was confused and unable to think clearly about the events. In that case, the Supreme Court concluded that Mincey's statements were not the product of his free and rational choice.

This is stark contrast to the case we have before us here. Where Mincey could not speak and had to write, Mr. Hughes was very clear with his words and indicated that he would speak with detectives. Where Mr. Mincey was confused and incoherent and could not recall the facts surrounding his case, Mr. Hughes could identify times of calls with his uncles, his steps leading up to the altercation with his uncle that included stopping at his work locker and placing an 8 inch wrench in his coat pocket. While Mincey was going in and out of consciousness, Mr. Hughes was very clear on his actions, and could recall the phone conversation with his uncle where he described his uncle as "upset" and could recall his mother being sad and crying in the background. Although the only similarity is that they were both interviewed in a hospital bed after surgery, that is where the similarities end. Mr. Hughes was mature enough to recall the conversation with his uncle where he informed him of the sale of the engine. Mr. Hughes was educated enough as he informed the detectives that he needed to watch the University of Columbia game where he attended for 4 years. Lastly Mr. Hughes mental condition was so

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intact that he discussed step by step the fight with his uncle what occurred step by step from being kicked in the forehead to his mother taking the wrench from him to pulling out the knife from his boot and chasing his uncle. Chasing his uncle. Someone of lucid memory or not of coherent memory could not recall with such detail as Mr. Hughes did.

### **Details of the Interrogation**

The next issue the court looks to is the method of the interrogation by the detectives. In *Perdomo*, the court held that the defendant's statement was not involuntary and that the questioning by the detectives was done in a conversational tone and not threatening. The same could be said for the matter here. None of the recording or record indicates that the detectives were in any form threatening and the recording demonstrates an almost conversational tone. When the cardiologist came in to draw Mr. Hughes' blood, the detectives stepped out and allowed blood to be drawn and the defendant Mr Hughes even asked the detectives "you're not leaving are you?". It is highly unlikely that a person under the duress of a threatening interrogation would ask the detectives if they were leaving almost in a disappointing manner as they were asked by Mr. Hughes. Additionally, Mr. Hughes conversation with detectives was so conversational that Mr. Hughes recalled all of the details of what occurred, almost jokingly spoke with detectives and did not appear under any duress. Does police coercion occur? yes. Does police intimidation occur? yes. But, did it occur in this case? No.

In the precedent *Mincy* case, the detectives questioned Mincy while he was in and out of consciousness, that did not occur here. Mr Hughes was of sound mind and offered to take a lie detector test, identified that he acted in self defense, and even told the officers that he knew that they were skeptical. Never once was counsel requested, nor counsel denied by the detectives. In *Perdomo*, the court held that nothing on the tape showed coersiveness much like Mr. Hughes. The interview was fairly short roughly 20 minutes, very similar to Mr. Hughes interview which was a 30 minute interview. In *Perdomo*, the interview included several pauses as did Mr. Hughes' and Mr Hughes seemed disapointed in the thought of the interview ceasing. That behavior is not one of a defendant being coerced by police activity and questioning. The behavior exhibited by Mr. Hughes is one of a man voluntarily speaking with police and volunteering essential and sometimes even beyond essential information to police.

### **Conclusion**

As held in the *State v. Perdomo*, absent some indication of coersive police activity, an admission or confession cannot be deemed involuntary within the Due Process Clause of the 14th Amendment.

As demonstrated here, that is almost identical to the case with Mr. Hughes. His statements were voluntary and substantially detailed, there was no indication or request for counsel nor was there any indication of coercive police activity. To the contrary Mr. Hughes told his story with such detail that one could only conclude that the defendant was coherent and spoke with rational intellect and free will. Mr Hughes appeared lucid and recalled with extreme detail and volunteered all of the information in the recording much like the defendant in *Perdomo*.

As such, the People respectfully request that the defendant's statement not be suppressed and be admitted into evidence.

Question #3 Final Word Count = 1686

**END OF EXAM**