

Legal Updates

Bobby v Dixon, 132 S. Ct. 26 (2011)

Suspect is given Miranda warnings and re-interrogated after the confession without Miranda warnings.

This case revolved around a murder perpetrated to steal a vehicle. Dixon and Hoffner attacked Hammer, tied him up and later buried him alive. Dixon then used Hammer's identification to establish ownership of the victim's car and later sold the fraudulently obtained vehicle for \$2800.

Hammer was reported missing the day after his murder and police had several encounters with Dixon. The first was a chance encounter with Dixon at the police department where a detective investigating Hammer's disappearance spoke with him. The detective read Dixon his Miranda warnings and Dixon refused to answer any questions without his lawyer being present. Dixon was not in custody at this point and left the police station.

As the inquiry continued detectives determined that Dixon had fraudulently sold Hammer's vehicle and he was arrested for forgery. Dixon was interrogated for a total of about 45 min. over a several hour period without being advised of his Miranda rights. The detectives decided not to advise him of his Miranda rights since they believed he would refuse to speak with them.

During the interrogation Dixon admitted obtaining documents so he could sell the vehicle, but said that Hammer had told him to do so. Dixon went on to say that he believed Hammer was traveling out-of-state. The detectives told Dixon that Hoffner was providing more usable information and if he starts cutting a deal the first one to cooperate will get the best opportunity from prosecutors. Dixon denied knowing anything about Hammer's disappearance and he was booked into jail on the vehicle forgery charge.

Hoffner on the other hand cooperated with police leading them to Hammer's gravesite. Hoffner claimed that Dixon had told him where Hammer was buried. Detectives had Dixon transported from jail back to the police station.

Before any questioning by detectives Hoffner said he had heard Hammer's body had been found and wondered if Hoffner was under arrest. The police told Dixon that Hoffner was not in custody and Dixon replied "I talked to my attorney, and I want to tell you what happened."

Detectives then read Dixon his Miranda rights and obtained a written waiver from him. The police then obtained a detailed confession from Dixon who put the majority of blame on Hoffner for the murder.

The trial court suppressed Dixon's initial confession to the forgery and his later confession to Hammer's murder. The state appealed to the Ohio Court of Appeals. The state agreed Dixon's forgery confession was properly suppressed, but the murder confession should have been admissible because he had received Miranda warnings prior to that confession. Dixon was found guilty of murder, kidnapping, robbery, and forgery. The Ohio Supreme Court confirmed Dixon's conviction.

Dixon appealed to the Sixth U. S. District Court which overturned the Ohio Supreme Court's decision and suppressed Dixon statements.

Decision: Reversed by United States Supreme Court

All parties agreed that the first encounter between Dixon and the police was non-custodial. A party cannot invoke their rights in any other situation except custodial interrogation.

The Sixth Circuit court also found that detectives violated Dixon's Fifth Amendment rights by urging him to "cut a deal" before Hoffner did. The Supreme Court found no basis for the District Court's

ruling in that urging cutting a deal was improper.

The U. S. Supreme Court found that Dixon statements were voluntary. In addition, his later statements where he made unsolicited comments that he had consulted with his attorney and wanted to talk were admissible. He again was reminded of his Miranda warnings and waved them. This is very different from interrogating without Miranda to obtain a confession, then giving Miranda and taking a second statement. In this case Dixon had denied involvement and it was only in the final interrogation he made the confession to Hammer's murder. Also in this case there was a significant break in time between conversations where Dixon was transported to jail and then returned to the police station. During this break Dixon also said that he had an opportunity to speak with his attorney.

CFI note: This case is very different from other interrogations where the suspect was confronted and interrogated without benefit of Miranda warnings. In other cases the Miranda warnings were not given until the suspect had made a full confession and then Miranda was given and the confession was repeated. (Missouri v. Seibert 2004) The courts found that this Beach Heading was designed to overcome a suspect's resistance to obtain a confession and then make the Miranda advisement as protection to legitimize the suspect's second confession. In the Dixon case there was no previous confession to Hammer's murder only a denial of involvement.