

Legal Updates

Man in custody and represented by counsel confesses to unrelated armed robbery. Was his right to counsel violated?

U.S. v. Santiago, 3rd U.S. Circuit Court of Appeals. No. 05-1515

(2006)

Santiago was being held without bail for drug offenses and was being represented by a court-appointed lawyer. A detective for another community was investigating Santiago relating to an armed robbery of a hotel. Santiago had been identified from a photo lineup by the clerk at the hotel.

The day after Santiago had received his court-appointed lawyer the detective interviewed him in jail about the armed robbery. After waiving his Miranda rights, Santiago confessed to the hotel armed robbery and made a written statement. Santiago asked the court to suppress his incriminating statements because he had been denied his right to counsel.

Decision: Affirmed

The trial court had properly admitted Santiago's statements at trial. The right to counsel is protected by the Sixth Amendment and is incident specific. The defendant had been granted a court appointed attorney for the drug offenses only. Since the defendant was not represented by counsel for the armed robbery of the hotel it was appropriate for the detective to question him without a lawyer being present. In addition, Santiago was not in custody for the armed robbery at the time that he was being questioned by the detective in jail. His arrest for the robbery did not come until almost a month later. The right to counsel does not apply until a suspect has been at least arrested.