

## Legal Updates

### **United States Supreme Court Establishes Bright Line Rule**

*Maryland v. Shatzer (08-680-2010)*

In August 2003, a social worker assigned to the criminal investigation division of the Hagerstown Police Department referred to the department allegations that Michael Shatzer, Sr. had sexually abused his three-year-old son. Shatzer was serving a prison sentence in the Maryland Correctional Institution - Hagerstown for an unrelated child sexual abuse offense.

Detective Blankenship was assigned to interview Shatzer at the prison on August 7, 2003. Before asking Shatzer any questions he advised him of his rights under Miranda and obtained a written waiver. After learning the reasons for the interview Shatzer refused to proceed without an attorney. Detective Blankenship ended the interview and Shatzer was released back into the general prison population.

About 2 1/2 years later, the same social worker obtained more specific allegations regarding the incident alleged to have occurred between Shatzer and his son. A new detective was assigned the case and the child, now eight years old described the incident in much more detail.

On March 2, 2006, the detective interviewed Shatzer after advising him of his Miranda rights and obtaining a written waiver on a standard department form. During the 30 minute interrogation Shatzer denied ordering his son to perform oral sex on him, but admitted masturbating in front of his son. At no point during the interrogation did Shatzer request an attorney or even refer to the previous attempted interview in 2003.

During a subsequent polygraph, after again being advised of his Miranda rights, Shatzer was questioned and started to cry, incriminating himself by saying, "I didn't

force him. I didn't force him." The defendant then requested an attorney and the detectives ended the interrogation. Shatzer was subsequently charged with a variety of child sexual abuse offenses.

Shatzer moved to suppress his statements, but the trial court denied his motion. The trial court ruled that the Edwards protections did not apply because the defendant had a break in custody between the two interviews. Shatzer was found guilty and appealed to the Court of Appeals of Maryland who reversed the trial court's decision.

The case was reviewed by the United States Supreme Court who reversed the Maryland Court of Appeals. The United States Supreme Court ruled the defendant experienced a break in custody which lasted more than two weeks between the first and second interrogations. The United States Supreme Court ruled that once a defendant is released from custody by police they must wait at least 14 days to allow the defendant to get back to a normal life. Thus, the United States Supreme Court has adopted a bright line rule for a break in Miranda custody of 14 days. The 14 day rule is a policy decision and not based on court precedents.