

## Legal Updates

### ***State v. Warrior, 277 P. 3d 1111 (Kansas 2012)***

The above-cited case relates to whether or not Miranda was required in a conspiracy to commit murder case.

Alesia Warrior was driving her husband Jeremy to work at about 5 AM when an SUV ahead of them applied its brakes and came to a stop. An occupant of the vehicle exited and ran towards the car firing a gun. Jeremy was killed as a result of multiple gunshot wounds and Alesia received a spinal cord injury paralyzing her from the waist down.

The first interview with Alesia occurred in the intensive care unit at the hospital. Alesia said they came upon a SUV and she did not remember seeing or hearing any gunshots. During this interview she also denied having an extramarital affair or any major problems in the marriage. She said that she had been at a friend's apartment the previous night and that two other people, Darell Rodgers and Jamar Moore were there.

Subsequent investigation revealed that Alesia had placed numerous calls to Rodgers, including some just before her husband's murder.

Alesia's second interview was conducted in her hospital room where investigators told her to tell them if she got tired or wanted them to leave. The interview lasted approximately 30 minutes and the investigators broached the topic that she was possibly having an affair with Rodgers. She denied the affair and asked the officers to leave, which they did.

The investigators also learned that Alesia had made phone calls to Rodgers mother's home and that he had visited her in the hospital. Investigators believing that Alesia was involved in her husband's murder returned to the hospital a third time to speak with her. During this interview she acknowledged the affair with Rodgers. She went on to say that Rodgers had possession of a gold SUV and that she saw him exit the passenger side and run to the passenger side of her car. She said she did not see a gun but heard a gunshot. She said that during his hospital visit to her the apologized for shooting her but did not explain why he killed her husband.

Alesia called investigators back into the room as they were leaving for a fourth interview. She told investigators she had rented the SUV for Rodgers. She also implicated Rodgers in the murder. She later recanted this version and returned to her initial report accusing two unknown Hispanic subjects as the killers. She also recanted her admissions regarding the affair with Rodgers.

Investigators confronted Moore about his part in the conspiracy to commit murder and he confessed. Following his confession Rodgers, Moore, and Alesia were charged with the murder.

### **Convicted**

On appeal Alesia alleged that the trial court erred in admitting statements she had made to investigators from her hospital bed. She specifically claimed that she was effectively in custody during the final interviews where she identified Rodgers as the killer. She

claimed she was effectively in custody and her statement should have been suppressed.

Alisa claimed that she was in custody because she was “certainly not able to leave” because of her physical injuries. The trial court admitted all of the interviews based on the totality of circumstances.

The Supreme Court of Kansas supported the trial court by finding that the interviews were investigatory, rather than custodial. They based this finding on the fact that investigators were still tracking down information and the interview was in a neutral location her hospital room. They also considered the short duration of each of the interviews. In addition, the fact Alesia was told she could end them and asked the officers to leave at any time which they did weigh in favor of the state. The court also considered the conversational tone of the interviews and the lack of mental or emotional problems that might have affected Alesia’s perception of the questioning. Finally, Alesia was also allowed to leave the hospital and returned home when she was discharged.

The Kansas Supreme Court concluded that Alesia was not in custody and that the fact she may have been the focus of the investigation did not trigger the need for Miranda warnings.