

## Howes (Warden) v. Fields

--- U.S. --- (2012)

Decided February 21, 2012

**FACTS:** While incarcerated for an unrelated crime, Fields was taken to a conference room in the prison to be interrogated for a child sexual offense. He was taken there in the early evening and interrogated for some 5-7 hours. He was told initially, and during the questioning, that he was “free to leave and return to his cell.” During the questioning, Fields was free of any restraints but the two deputies doing the questioning were armed. The door to the room was open during part of the time as well.

About halfway through the questioning, he was “confronted with the allegations of abuse” and “he became agitated and began to yell.” He was told that if he did not want to cooperate he could leave. Eventually, he confessed. He later claimed that he said “several times during the interview that he no longer wanted to talk to the deputies, but he did not ask to go back to his cell prior to the end of the interview.” At that time, he had to wait until a corrections officer returned to escort him, and was returned to his cell far later than his “normal bedtime.” He was never given Miranda warning or otherwise told he did not have to speak to the deputies.

Fields was charged with criminal sexual conduct. He moved for suppression and was denied by the trial court. He was convicted and took appeals through the Michigan appellate system. The Michigan Court of Appeals ruled he was not in custody during the interrogation and the Michigan Supreme Court declined to review the case. Fields took a habeas corpus petition in the U.S. District Court federal court and it was granted. Upon appeal, the Sixth Circuit held that the interview was a “custodial interrogation and that Miranda<sup>1</sup> is required when a prisoner is brought from general population to talk to a law enforcement officer about any criminal conduct.” The Sixth Circuit “reasoned” that the right was clearly established by Mathis v. U.S.<sup>2</sup>

Michigan requested certiorari and the U.S. Supreme Court granted review.

**ISSUE:** Is being questioned while incarcerated for an unrelated crime automatically custodial for Miranda purposes?

**HOLDING:** No

**DISCUSSION:** The Court reviewed the meaning of the word “custody” and defined it as “term of art that specifies circumstances that are thought generally to present a serious danger of coercion.” Relevant factors include the “location of the questioning,”<sup>3</sup> “statements made during the interview,”<sup>4</sup> “the presence or absence of physical restraints,”<sup>5</sup> “and the release of the interviewee at the end.”<sup>6</sup> The Court stated that “not all restraints on freedom of movement amount to” Miranda custody.

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<sup>1</sup> Miranda v. Arizona, 384 U.S. 436 (1966).

<sup>2</sup> 391 U.S. 1 (1968).

<sup>3</sup> Maryland v. Shatzer, --- U.S. --- (2010)

<sup>4</sup> Berkemer v. McCarty, 468 U.S. 420 (1984).

<sup>5</sup> New York v. Quarles, 467 U.S. 649 (1984).

<sup>6</sup> California v. Beheler, 463 U.S. 1121 (1983).

Looking to Maryland v. Shatzer,<sup>7</sup> the Court noted that a “break in custody may occur while a prisoner is serving a term in prison,” and as such, it follows “that imprisonment alone” is not enough to create Miranda custody.

The Court continued:

There are at least three strong grounds for this conclusion. First, questioning a person who is already serving a prison term does not generally involve the shock that very often accompanies arrest.

...

Second, a prisoner, unlike a person who has not been sentenced to a term of incarceration, is unlikely to be lured into speaking by a longing for a prompt release.

...

Third, a prisoner, unlike a person who has not been convicted and sentenced, knows that the law enforcement officers who question him probably lack the authority to affect the duration of his sentence.

The Court concluded:

In short, standard conditions of confinement and associated restrictions on freedom will not necessarily implicate the same interests that the Court sought to protect when it afforded special safeguards to persons subjected to custodial interrogation. The Court noted “when a prisoner is questioned, the determination of custody should focus on all of the features of the interrogation,” including “the language that is used in summoning the prisoner to the interview and the manner in which the interrogation is conducted.”

In Fields’ case, although the questioning was lengthy and he did not consent to it, he was told repeatedly he could be returned to his cell if he so desired. He was not restrained and was questioned in comfortable surroundings. Even though he could not leave on his own, that would have been no different had he been taken to the room for other reasons.

The Court concluded that “taking into account all of the circumstances of the questioning – including especially the undisputed fact that [Fields] was told that he was free to end the questioning and return to his cell – we hold that [Fields] was not in custody within the meaning of Miranda.”

The U.S. Supreme Court reversed the decision of the Sixth Circuit.

FULL TEXT OF OPINION: <http://www.supremecourt.gov/opinions/11pdf/10-680.pdf>

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<sup>7</sup> Shatzer, *supra*.