

January 6, 2003

LEGAL BULLETIN NO. 02-7 (Revised)

SUBJECT: Miranda Warning Decision

On December 10, 2002, the Supreme Court of Missouri handed down an opinion dealing with the Miranda Warning.¹ To understand the opinion, it is important to understand the facts of the case.

The Defendant in the underlying criminal case, Patrice Seibert (Seibert) lived in a mobile home in Rolla, Missouri with five (5) sons. One of the sons, Donald Rector, was on medication for a mental disorder. One of the other sons, Jonathan, was seriously handicapped with cerebral palsy to the extent that he could not walk, talk, or feed himself. On February 12, 1997, Jonathan died in his sleep. Seibert was afraid to report his death because he had bedsores, and she was afraid the authorities would believe she had been neglecting him. Seibert discussed with two (2) of her sons and two (2) of their friends a plan to set the mobile home on fire to cover up Jonathan's death. They decided Donald should be present at the fire so that it did not look as though Jonathan had been left alone. Seibert admitted that Donald, who died in the fire, was supposed to die in the fire. One of Seibert's oldest sons and a friend were to set the fire. At the time it was done, Donald who was having a seizure and convulsing on the floor was hit in the head by one of the perpetrators and left inside the mobile home after gasoline had been poured around the trailer.

In connection with the investigation, Rolla Officer Richard Hanrahan arranged for St. Louis County Officer Kevin Clinton to arrest Seibert. Officer Hanrahan instructed Officer Clinton not to advise Seibert of her Miranda rights. Officer Hanrahan then questioned Seibert for about thirty (30) to forty (40) minutes. During this questioning without a Miranda warning, she made an admission indicating that she knew Donald was to die in his sleep as a part of the fire at the mobile home. She was then given a twenty (20) minute break for coffee and a cigarette at which time Officer Hanrahan resumed the interview this time using a tape-recorder and this time advising Seibert of her Miranda rights. Seibert signed a waiver form. Officer Hanrahan began the second stage of the interview by referring to the first stage and by referring to what they had talked about during the first stage of the interview. Officer Hanrahan continued to question Seibert, and she eventually made the same incriminating statements in the second interview that she had in the first interview without the Miranda Warning.

The Circuit Judge permitted the admissions of Seibert to be introduced during the trial and as a result Seibert was convicted of Second Degree Murder. The Court of Appeals upheld the ruling of the Circuit Judge, permitting the admissions to be introduced into evidence. The case was then transferred to the Missouri Supreme

¹ *State of Missouri v. Seibert*, SC84315 (2002).

Court. The opinion of the Supreme Court was a 4-3 decision. Chief Judge Limbaugh, Judge Benton and Judge Price filed a separate dissenting opinion indicating that they would uphold the decision of the trial judge because the statements given by Seibert that were introduced in evidence were given after a valid Miranda warning.

The majority opinion found the statements given during the second interview to be inadmissible as a violation of the Miranda procedure. The majority of the Supreme Court held that the Miranda decision serves to guide police and deter improper conduct. The Court held that the police officer in this case purposely withheld the Miranda warning as a part of a two-step interrogation technique designed to elicit an initial confession before reading the accused her rights, hoping that she would repeat that confession. Officer Hanrahan had previously testified that this two-step process was a part of the instructions and training that he had received. The Court found this process to be an "end run" around Miranda and found that when the officer chooses to use this tactic the officer should, under Miranda, understand the risks of doing so. The Court presumed that the violation of Miranda in this case was a tactic to elicit a confession and was used to weaken Seibert's ability to knowingly and voluntarily exercise her Constitutional right. The Court found that the second confession came almost directly on the heels of the first unwarned confession and that the unwarned confession, subsequent warnings and confession were part and parcel of a continuous process. The Court found that the statements given in the second interview were not voluntarily given, and the case was remanded for a new trial.

Questions concerning this opinion should be directed to the Legal Advisor's Office.

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