



LEGAL UPDATE

MIRANDA WARNINGS REQUIRED AFTER DEFENDANT CHASED AND TACKLED BY OFFICER

Commonwealth v. Earl, 102 Mass.App.Ct. 664 (2023).

RELEVANT FACTS

In January 2014, Faniesha Hunter, her boyfriend, and the defendant were in Hunter's apartment. At some point the defendant pulled out a knife and lunged at Hunter. Hunter's boyfriend intervened and a struggle ensued. The two men ended up outside the apartment where the boyfriend ultimately fell down and the defendant ran off. A witness called 911.

A uniformed security guard for Longwood Public Safety who was also a special Boston police officer, was working in the area. He saw the defendant running in the middle of the street through heavy traffic and knocking on windshields attempting to stop the passing cars. The officer activated the lights of his marked vehicle and parked in the middle of the street. He then approached the defendant whom he saw was bleeding heavily from his ear.

Upon seeing the officer, the defendant took off his sweatshirt, took two "aggressive" steps toward the officer, and then fled into a wooded area. The officer ran after the defendant, tackling him from behind. The officer handcuffed the defendant and patfrisked him. The officer asked him what was going on and why he ran off. The defendant said, "I just killed somebody," and that, "if you walk straight ahead you will find something." The officer then asked "why?" and the defendant said "because he was running his mouth."

Another security officer had arrived on scene while the initial officer was chasing the defendant. This officer helped sit the defendant up against a tree after the original officer had tackled the defendant and put him in handcuffs.

For specific guidance on the application of this case or any law, please consult your supervisor or your department's legal advisor.

The witness who had called 911 arrived yelling for the officer's attention. The second officer followed the witness and found the boyfriend who had been stabbed in the face, head, and chest and had no pulse. The boyfriend died as a result of the injuries he suffered.

The defendant was indicted on first degree murder and assault by means of a dangerous weapon charges. The defendant filed a motion to suppress his statements arguing that the officers violated his Miranda rights when they questioned him.

DISCUSSION

Miranda warnings are only necessary when a defendant is in custody and subject to interrogation.

"The crucial question is whether, considering all the circumstances, a reasonable person in the defendant's position would have believed that he was in custody." *quoting Commonwealth v. Damiano*, 422 Mass. 10, 13 (1996).

The court noted that determining whether someone is in custody is often a complicated issue and requires close scrutiny. In *Commonwealth v. Groome*, 435 Mass. 201 (2001) the court identified several factors courts can consider when determining whether someone is in custody. These factors are:

1. the place of the interrogation
2. whether the officers have conveyed to the person being questioned any belief or opinion that the person is a suspect
3. the nature of the interrogation, including whether the interview was aggressive, or instead, informal and influenced in its contours by the person being interviewed
4. whether, at the time the incriminating statement was made, the person was free to end the interview by leaving the locus of the interrogation or by asking the interrogator to leave, as evidenced by whether the interview terminated with an arrest.

The *Groome* factors are not exhaustive. The court will look at the totality of the circumstances of each case to determine whether the suspect was in custody. The court found that an analysis of the *Groome* factors is not required in cases where custody is obvious. The court found that custody was obvious in this case.

"It is obvious that a reasonable person in the defendant's position would have experienced the interaction as coercive, would not have believed that he was free to leave, and would have perceived the restraint on his freedom of movement as the equivalent of that associated with a formal arrest."

The defendant was subject to custodial interrogation and was not advised of his Miranda warnings. The statements on scene should have been suppressed.

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