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State v. Beauregard, 198 A.3d 1 (R.I. 2018)

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Constitutional Law. *State v. Beauregard,* 198 A.3d 1 (R.I. 2018). The admission at trial of physical evidence stemming from an inadmissible statement made without proper notice of a defendant's rights, as stated in *Miranda v. Arizona*,[1] does not violate article 1, section 13, of the Rhode Island Constitution, which mirrors protections granted by the Fifth Amendment of the United States Constitution, so long as the defendant made the statement voluntarily.

FACTS AND TRAVEL

Sendra Beauregard (Defendant) was indicted by a grand jury on counts of first-degree murder and discharging a firearm while committing a crime of violence.[2] On December 2, 2014, Defendant and the victim, Pamela Donohue (Donohue), Defendant's girlfriend, were at Donohue's apartment.[3] Walter Woodyatt (Woodyatt), Dononhue's roommate and former boyfriend, testified that Defendant gave him $40 and asked him to buy cigarettes and soda.[4] While returning from the store Woodyatt saw Defendant driving away in her vehicle.[5] Upon his entry into the apartment Woodyatt found Donohue unresponsive and called the police.[6] The paramedics later arrived and took Donohue's body to the hospital where she was pronounced dead from a single gunshot wound to the chest.[7]

The next day, detectives met Defendant at her apartment in Johnston, Rhode Island, and she agreed to accompany them to the police station to discuss Donohue's death.[8] While Defendant was

1. *See generally* Miranda v. Arizona, 384 U.S. 436 (1966).
2. State v. Beauregard, 198 A.3d 1, 3 (R.I. 2018).
3. *Id.* at 4.
4. *Id.* at 3–4.
5. *Id.* at 4.
6. *Id.*
7. *Id.*
8. *Id.*

at the police station officers obtained and executed a search warrant at her apartment, but "found nothing of evidentiary value."[9] However, detectives located her vehicle parked behind the apartment building and towed it to the police station until they could obtain a warrant to search it. Once police had acquired a warrant, they searched the vehicle and discovered a spent shell casing.[10]

During the Defendant's first interview with the police she was given proper notice of her *Miranda* rights.[11] Defendant admitted that she and Donohue had gotten into an argument after sending Woodyatt for cigarettes, but maintained that Donohue was alive when she left.[12] When Defendant asked for counsel the police terminated the interview and she left the station.[13]

Several weeks later, police executed a warrant for Defendant's arrest, and she was booked and processed.[14] When Defendant was interviewed for the second time she promptly asked about her attorney before being read her rights.[15] Defendant referred to counsel several more times, but the detectives nevertheless continued the interview.[16] The detectives related the discovery of the shell casing, but Defendant denied any knowledge of its origin.[17] At this point, Defendant became agitated and the detectives became briefly argumentative in response.[18] During the latter half of the interview the detectives misrepresented that the shell casing had been matched to the bullet recovered from Donohue's corpse, but the Defendant maintained her innocence.[19] The interview ended when Defendant once again requested representation.[20]

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9. *Id.*
10. *Id.*
11. *Id.*
12. *Id.* at 5.
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.*
19. *Id.* at 6.
20. *Id.*

Several hours later, with no subsequent interactions with the police, Defendant requested to speak with the detectives.[21] During this third interview a detective told Defendant that the "same rules apply," which she acknowledged, but there was no formal statement of her *Miranda* rights.[22] Defendant then confessed to shooting Donohue in the chest, and that she had hidden the murder weapon.[23] She agreed to lead the police to the gun the next morning.[24]

After arriving at the dump site the next morning, Defendant pointed to the general direction where she had hidden the gun, but did not accompany the detectives while they searched.[25] The detectives were subsequently able to locate the gun.[26] At no point during this "fourth interview" did the police read Defendant her *Miranda* rights.[27]

Before trial, Defendant filed a motion to suppress concerning the search and seizure of her vehicle, which was denied,[28] and subsequently, motions to suppress the admission of the statements and physical evidence garnered from those statements that were obtained in violation of her *Miranda* rights.[29] During the motion hearing, the State conceded that Defendant's *Miranda* rights had been violated with respect to the second, third, and fourth interviews, and any statements made during those interviews were therefore inadmissible, leaving only the physical evidence attained through those statements to be considered.[30] Defendant petitioned the court to depart from the United States Supreme Court's holding in *United States v. Patane*, which rendered admissible physical evidence attained as a result of inadmissible statements so long as the underlying statement was voluntary, and instead follow some state decisions where courts found broader protections under state

21. *Id.*
22. *Id.* at 7.
23. *Id.*
24. *Id.*
25. *Id.*
26. *Id.*
27. *Id.*
28. *See id.* at 8.
29. *Id.*
30. *Id.*

constitutional provisions.[31] The trial court concluded that previous Rhode Island Supreme Court decisions "constrained" adherence to *Patane*, and determined that Defendant's statements were made voluntarily.[32] As a result, the court also denied the latter motion to suppress.[33]

At trial, Defendant was convicted of second-degree murder and discharging a firearm while committing a crime of violence.[34] She was sentenced to two consecutive life sentences, and subsequently appealed to the Rhode Island Supreme Court (the Court).[35]

ANALYSIS AND HOLDING

On appeal of a motion to suppress a confession, the Court first defers to the trial justice's finding of the voluntariness of the confession unless clearly erroneous, and second, because of the constitutional dimensions of the issue, conducts a *de novo* review of the voluntariness of the confession.[36]

First, the Court considered whether it would follow *Patane*.[37] In *Patane*, the United States Supreme Court found that *Miranda* rights related exclusively to the Self-Incrimination Clause of the Fifth Amendment of the United States Constitution.[38] Therefore, protections were necessary only to prevent "compelling a criminal defendant to testify against himself at trial," and did not apply to "nontestimonial evidence obtained as a result of voluntary statements."[39] The Court noted several states that had rejected *Patane* and recognized broader protections against self-incrimination in their own constitutions than those afforded under the United States Constitution.[40] However, protections under article I, section 13, of the Rhode Island Constitution[41] had been

31. *Id.* (citing United States v. Patane, 542 U.S. 630, 636–37 (2004)).
32. *Id.*
33. *See id.*
34. *Id* at 9.
35. *Id*.
36. *Id.*
37. *Id.*
38. *Id.* at 10 (citing United States v. Patane, 542 U.S. 630, 636 (2004)).
39. *Id.* (quoting *Patane*, 542 U.S. at 637).
40. *Id.* at 10.
41. "No person in a court of common law shall be compelled to give self-criminating evidence." R.I. Const. art. I, § 13.

"interpreted as tantamount to those available under the Federal Constitution" for issues arising from *Miranda* rights.[42] Due to their strong adherence to interpretations of the federal constitution in past decisions, the Court adopted *Patane*.[43]

Next, the Court examined whether Defendant's statements leading to the collection of the murder weapon were voluntary under the totality of the circumstances by clear and convincing evidence.[44] While Defendant submitted her mental illness as evidence that she was coerced into making her confession, the Court stated that the mental state of the Defendant was immaterial unless "emanating from . . . official coercion," because analysis of a potentially coerced confession centers on police conduct, not independent psychological pressures.[45] The Court examined the various recordings of the Defendant's interviews and determined that her statements were voluntary because the tone of the interviews was conversational, the detectives gave her various items to ensure her comfort, Defendant voluntarily initiated the interview in which she confessed, and police did not act coercively by waiting nineteen days to arrest her or by misrepresenting the connection between the shell casing seized from her car and Donohue's body.[46] The Court agreed with the trial justice that Defendant's statements were voluntary, and therefore there was no error in allowing the physical evidence emanating from the statements to be admitted at trial.[47]

Finally, the Court examined the search and seizure of Defendant's vehicle, determining that the trial justice was correct in finding the police had probable cause for the search based on the reliability of Woodyatt's statements that Defendant left the scene in her vehicle after Donohue was shot.[48] Furthermore, the Court noted that police had not executed a warrantless search, as would

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42. *Beauregard*, 198 A.3d at 12 (quoting R.I. Grand Jury v. Doe, 641 A.2d 1295, 1296 (R.I. 1994)).
43. *Id.*
44. *Id.* at 13.
45. *Id.* (quoting Colorado v. Connelly, 479 U.S. 157, 170 (1986)).
46. *Id.* at 14–15.
47. *Id.* at 15.
48. *Id.* at 16.

have been permissible under the "automobile exception," but instead obtained a search warrant for the Defendant's vehicle.[49]

COMMENTARY

Although the Court examined approaches taken in other states regarding the adoption of *Patane*, it did not itself examine the possible repercussions of the doctrine.[50] The Court admonished the police for their repeated failure to provide counsel upon Defendant's request, but noted that it was not the Court's place to set standards for police practices.[51] However, to leave such conduct unaddressed is to give license to further abuses.[52] Indeed, the very bedrock of *Miranda* is an acknowledgment that it is sometimes necessary to intervene in police practice in order to protect the constitutional rights of the accused.[53] The protections in *Miranda* rested on the inherently coercive nature of police interrogations and the difficulty for courts in determining whether a confession was truly voluntary.[54] *Patane* gives police an incentive to abuse their duty to respect a suspect's *Miranda* rights by allowing courts to undertake a subjective analysis of the coercive nature of any given interrogation, opening the door for potentially poisonous fruits to reach its lips.[55] At the very least, *Patane* weakens the uniform necessity for the police to properly state a suspect's *Miranda* rights when endeavoring to run a successful investigation.[56] As clear as the Court's jurisprudence may be in following the United States Supreme Court's interpretations of the Fifth Amendment, an issue

49. *Id.* at 17. The "automobile exception" to the necessity of police obtaining a warrant prior to a search is applicable where the police have "probable cause to believe that an automobile . . . holds contraband or evidence of a crime." *See* State v. Werner, 615 A.2d 1010, 1013–14 (R.I. 1992).

50. *See Beauregard*, 198 A.3d at 10–11.

51. *Id.* at 12.

52. *See* United States v. Patane, 542 U.S. 630, 645–46 (2004) (Souter, J., dissenting).

53. *See* Miranda v. Arizona, 384 U.S. 436, 457–58 (1966) ("The current practice of incommunicado interrogation is at odds with one of our nation's most cherished principles—that the individual may not be compelled to incriminate himself.").

54. *Patane,* 542 U.S. at 645 (Souter, J., dissenting).

55. *See id.* at 647.

56. *See id.*

of such constitutional dimensions surely deserved a more thorough analysis by the Court.

CONCLUSION

The Rhode Island Supreme Court held that the fruit of the poisonous tree doctrine did not extend to physical evidence stemming from unwarned and inadmissible, yet voluntary, statements because of complimentary jurisprudence on interpretation of Rhode Island's own constitutional self-incrimination clause with regards to the Fifth Amendment of the United States Constitution, rendering such physical evidence admissible at trial.

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