



RESOURCES

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By **Daigle Law Group**

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In *United States v. Leggette*, the Fourth Circuit Court of Appeals evaluated whether the defendant, Dwayne Leggette, was subjected to custodial interrogation by police officers in a public park after hours, thereby necessitating the provision of Miranda warnings.¹ The officers had discovered a firearm in a nearby trash can, and Leggette ultimately confessed to possessing the gun and being a felon. The district court concluded that Leggette was not “in custody” during the questioning, and he subsequently entered a guilty plea. The Fourth Circuit upheld the district court’s finding that the defendant was not in custody during the questioning.

Dwayne Leggette and Deborah Marshall were discovered trespassing in a public park after the established closing hours. Upon observing their vehicle in the park, Officer Rochelle called for backup and proceeded to investigate the area. The officer encountered Leggette and Marshall walking toward his location and informed them that the park was closed. The officer then escorted the pair back to the parking lot, where Rochelle conducted a frisk of Leggette to ensure that he was not armed. Following the pat-down, the officer began questioning the suspect.

During the course of questioning at the park, Officer Rochelle inquired about a firearm discovered by the backup officer in a nearby trash bin, posing questions to Leggette on three separate occasions. Initially, Leggette denied ownership of the gun twice but volunteered information about his recent 15-year prison term. Emphasizing the importance of honesty, Officer Rochelle questioned Leggette once more in relation to the firearm. This time, Leggette conceded that the gun belonged to him and that he was not legally authorized to possess it. Following Leggette’s admission, he was handcuffed and taken into custody.

Upon their arrival at the police department, the officers presented Leggette with his Miranda rights for the first time.² Leggette acknowledged his comprehension of these rights and consented to engage in further discussion with the officers, during which he reiterated his confession regarding the firearm.

Subsequently, Leggette was indicted on charges of being a felon in possession of a firearm. In response, Leggette sought to suppress his incriminating statements, but the district court ultimately denied his motion for suppression.

On appeal to the Fourth Circuit, Leggette contended that his statements in the park should be deemed inadmissible because he was “in custody” pursuant to Miranda, thus requiring the officers to provide him with Miranda warnings before questioning him about the firearm. The central issue for the Fourth Circuit’s determination was whether Leggette was subjected to custodial interrogation.

Analysis and Implications

The court compared the facts presented here with the facts from the precedent set by the case *United States v. Gardner*.³ In both cases, the defendants were suspected of being felons illegally possessing firearms. The court found that the similarities between Leggette’s case and Gardner’s case virtually compelled a finding that the interrogations in both instances were non-custodial.

In support of his claim that he was in custody during the interrogation, Leggette advanced three primary arguments to support his belief that the facts here warranted a different outcome from Gardner.

First, Leggette argued that the questioning in his case was more coercive than in Gardner. The court disagreed, stating that neither the number of questions asked by the officers nor Leggette’s initial denials of possessing the gun assisted his argument. Moreover, the court noted that interrogations are not considered more coercive simply because the officer encourages the suspect’s cooperation, even if the officer promises to help the suspect if they admit culpability.

Second, Leggette argued that the setting added to the coercive atmosphere of the interrogation. The court countered that although the park was dark, it was still a public area, and Leggette was not isolated or separated from his companion, Marshall. Thus, despite being in a different setting than in Gardner, the setting of Leggette’s interrogation did not change the overall outcome of the court’s assessment.

Third, Leggette argued that his interrogation was more coercive than the one in Gardner because his interaction with the police began when Officer Rochelle confronted him for trespassing, an arrestable offense. The court explained that the mere fact that an investigation involves a theoretically arrestable offense does not render the police interaction custodial.

In their analysis, the court underscored that Miranda warnings are mandated only when a suspect’s freedom of movement is curtailed to the extent that they do not perceive themselves as free to leave the encounter, and the circumstances exhibit inherently coercive pressures akin to the station house questioning addressed in Miranda. In the present case, the court determined that such pressures were absent.

The court concluded that these distinctions, considered together alongside the totality of the circumstances and the findings in *Gardner*, failed to show that Leggette was in custody during the interrogation in the park. Therefore, no Miranda warnings were required, and the district court correctly concluded that his responses to Officer Rochelle's questions should not be suppressed.

Conclusions

United States v. Leggette underscores the importance of a thorough understanding of the concept of "custody" and the requirements for providing Miranda warnings in the context of custodial interrogation. By considering the totality of the circumstances, employing limited force, and adopting a non-coercive approach to questioning, law enforcement officers can ensure that they are acting within the bounds of the law and safeguarding the rights of the individuals with whom they interact.

Takeaways

To determine whether a suspect is in custody, consider the totality of the circumstances surrounding the interaction, including freedom of movement, nature and tone of the questioning, presence of any physical restraints, and overall atmosphere of the encounter.

Limited use of force does not automatically render a situation custodial, but officers should be mindful of the level of force they apply during an interaction.

Accusatory or coercive questioning may increase the likelihood of an encounter being deemed custodial, so officers should approach questioning in a neutral and investigatory manner.

Miranda warnings are crucial for suspects in custody, but not every situation with restrained freedom of movement requires them. Officers should use their understanding of the factors contributing to a custodial situation to determine when it's necessary to issue these warnings.

United States v. Leggette, 21-4175 (4th Cir. 2023)

¹*United States v. Leggette*, 21-4175 (4th Cir. 2023).

²*Miranda v. Arizona*, 384 U.S. 436 (1966).

³*United States v. Gardner*, 823 F.3d 793, 801 (4th Cir. 2016).

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