

An Introduction to Commonwealth v. R.B.

This year's case is *Commonwealth v. R.B.*, a criminal case involving a juvenile defendant. The defendant is R.B., a high school student who was arrested for dispensing prescription pills to two other students. R.B. had his wisdom teeth pulled a few days before the arrest, and had a valid prescription for narcotic pain killers. He gave four pills to two of his friends while at school. The school principal heard what had happened from an uninvolved student, and called R.B. to his office. The school resource officer was present in the principal's office. R.B. admitted what he had done, and was arrested.

You have probably heard Miranda warnings many times on TV or in the movies. "You have the right to remain silent. You have the right to an attorney. Anything you can say can and will be used against you in a court of law." Police officers deliver these Miranda warnings every day. Why?

The Fifth Amendment to the United States Constitution protects every citizen from being compelled to testify against himself. In practical terms, this means that you cannot be *forced* to make a confession. Under the United States Constitution, you enjoy the right to remain silent and the right to consult an attorney. Of course, you may confess to a police officer *voluntarily*. The law, however, scrutinizes whether the confession is truly voluntarily. One of the proscribed indicia of voluntariness is that you understand your rights *before* you make any confession. The Miranda warnings are very important, because the warning informs a person of his rights *before* he makes any statements. The law requires a police officer to deliver the Miranda warnings anytime a person is in custody and before questioning starts. If the person did not make the confession voluntarily, the confession cannot be used against him in court. When the Miranda warnings are given, that is strong evidence the confession was voluntary.

R.B. confessed to what he had done while in the Principal's office. He was arrested based on those statements. Before he went to trial, his attorney filed a motion to suppress. R.B.'s attorney argued that the confession was not voluntary because no one delivered the Miranda warnings.

A suppression hearing is held, and the principal and the school resource officer testified. The court determined that R.B.'s confession was not voluntary because he did not receive the Miranda warnings. The prosecution – in Kentucky, called the Commonwealth – appeals this decision.

You are representing one of the parties before the Kentucky Supreme Court. The main issue you will be addressing is whether R.B.'s confession was voluntary. The Appellant, the Commonwealth, will argue that R.B.'s confession was voluntary even though he did not receive the Miranda warnings. The Appellee, R.B., will argue that his confession was not voluntary because he did not receive the Miranda warnings. The Court's analysis will focus on whether the Miranda warnings were required.

Your argument should focus on: (1) was R.B. in custody when he made his confession; and (2) whether R.B. was questioned and, if so, whether the questioning was initiated by a law enforcement officer. You will also want to consider whether the Miranda warnings are required when the criminal defendant is a juvenile, and when the questioning occurs on school property by a school resource officer.