

Applying Precedents Activity

Comparison case: *J.D.B. v. North Carolina* (2011)

Precedent case: *Miranda v. Arizona* (1966)

What you need to know before you begin: When the Supreme Court decides a case, it clarifies the law and serves as guidance for how future cases should be decided. Before the Supreme Court makes a decision, it always looks to precedents—past Supreme Court decisions about the same topic—to help make the decision. A principle called *stare decisis* (literally “let the decision stand”) requires that the precedent be followed. If the case being decided is legally identical to a past decision, then the precedent is considered binding and the Supreme Court must decide the matter the same way. However, cases that make it to the Supreme Court are typically not completely identical to past cases, and justices must consider the similarities and differences when deciding a case.

The process of comparing past decisions to new cases is called applying precedent. Lawyers often argue for their side by showing how previous decisions would support the Supreme Court deciding in their favor. This might mean showing how a previous decision that supports their side is analogous (similar) to the case at hand. It can also involve showing that a previous decision that does not support their side is distinguishable (different) from the case they are arguing.

How it's done: In this exercise, you will analyze a precedent and compare it to *J.D.B. v. North Carolina* (2010). You have been provided with information about two cases: **1)** the background, facts, issue, and constitutional provisions/precedents of the comparison case (*J.D.B. v. North Carolina*) and **2)** a summary of a precedent case (*Miranda v. Arizona*), which can be found within the materials for *J.D.B. v. North Carolina*.

After reading about the cases, you will look for evidence that *J.D.B. v. North Carolina* is **analogous** (similar) to the precedent case and evidence that the cases are **distinguished** (different) from each other. After considering both possibilities, you must decide whether the precedent is analogous enough to command the same outcome in the comparison case, or whether the comparison case is different enough to distinguish itself from the precedent.

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1. Using factual and legal similarities, show how *J.D.B. v. North Carolina* is **analogous** (similar) to the precedent case (*Miranda v. Arizona*):

2. Show how *J.D.B. v. North Carolina* is **distinguished** (different) from the precedent case (*Miranda v. Arizona*) by pointing out factual and legal differences:

3. We found that *J.D.B. v. North Carolina* is _____ (analogous to or **distinguished from**) the precedent case (*Miranda v. Arizona*) because:

4. Based on the application of the precedent, how should *J.D.B. v. North Carolina* be decided? Explain your decision.

_____ Decision for J.D.B.

_____ Decision for North Carolina

Explanation:

J.D.B. v. North Carolina (2011)

Argued: March 23, 2011

Decided: June 16, 2011

Background

Many Americans are familiar with Miranda warnings from television and movies. If police officers want to question anyone while they are in custody, police must first inform them that 1) they have the right to remain silent, 2) anything they say may be used against them in court, 3) they have the right to consult with an attorney before answering any questions and the right to have an attorney present during any questioning, and 4) they have the right to a court-appointed attorney if they can't afford one. These warnings are provided to protect a person's Fifth Amendment right to be free from self-incrimination.

Police are only required to inform individuals about their Miranda rights if they are being questioned while in police custody. Someone is in custody, according to the courts, if *a reasonable person in the same circumstances would not feel free to leave*. In this case the Supreme Court has to decide whether a suspect's age should be considered when determining whether a reasonable person would think that they were in police custody.

Facts

In 2005, police interviewed 13-year-old J.D.B. about two home break-ins. J.D.B. was a seventh-grade student enrolled in special education classes when police came to his school to interview him. The authorities escorted J.D.B. from his classroom to a school conference room and questioned him in the presence of an assistant principal, a school resource officer, and an intern. The door was closed but not locked. The police officers did not inform J.D.B. of his Miranda rights and did not contact his parents to inform them that he was being questioned.

The assistant principal urged J.D.B. to “do the right thing” and answer the investigator's questions. J.D.B. then agreed to answer questions and, after first denying involvement in any crime, confessed to breaking into the houses and stealing certain items. The police investigator then said that J.D.B. did not have to answer any more questions and was free to leave. J.D.B. nodded “yes” and then continued answering questions, giving more details about the stolen goods. The interview lasted about 30–45 minutes. When the school day ended, he was allowed to leave and take the bus home. The police then obtained a search warrant for J.D.B.'s home, went to the boy's house, and found some of the stolen items. The officers questioned J.D.B. again in his home, gave no Miranda warnings, and did not notify J.D.B.'s guardian of their actions.

The police charged J.D.B. as a juvenile for breaking and entering and for larceny. J.D.B.'s lawyer filed a motion to prevent his statements and the evidence seized by the officers from being used in the case against him. The lawyer argued that the evidence was inadmissible because it flowed from a

violation of J.D.B.'s right against self-incrimination: J.D.B. hadn't been read his Miranda rights, either at school or at the search of his home. The trial court ruled that J.D.B. was not in custody while being questioned by the police, so there was no violation of his Miranda rights. J.D.B. appealed that ruling, and the appeals court agreed with the trial court. He then appealed to the state Supreme Court, which also ruled against him. J.D.B. appealed to the U.S. Supreme Court, and it agreed to hear his case.

Issue

Does the Fifth Amendment require that the age of a juvenile suspect be considered when deciding whether they are in custody and entitled to Miranda warnings?

Constitutional Amendments and Precedents

- **Fifth Amendment to the U.S. Constitution**

“No person ... shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law.”

- *Miranda v. Arizona* (1966)

Ernesto Miranda confessed in writing to kidnapping and rape after being questioned by police for two hours without a lawyer present. After the trial court convicted him, Miranda appealed his case, arguing that his confession should not have been allowed in his trial because he did not have an attorney present during his interrogation. The U.S. Supreme Court ruled for Miranda. It determined that the Constitution allows individuals to talk with an attorney both before and during police questioning and that these rights must be clearly stated to the accused. A suspect may also waive these rights, as long as they are shown to have fully understood them and waived them voluntarily.

- *Yarborough v. Alvarado* (2004)

Michael Alvarado, a 17-year-old, was called into the police station to answer some questions about a recent crime and was not given Miranda warnings. After eventually confessing to the crime, he tried to exclude his statements because he was not warned of his right to remain silent or to an attorney. He argued that his status as a minor and inexperience with the law should have been taken into consideration when deciding whether or not he was in custody.

When deciding whether someone is in custody, courts prefer to use objective factors (e.g., whether the suspect was handcuffed or how long the questioning lasted, etc.) because these are clear and easy to determine. Subjective factors (i.e., things that vary with each individual) are very difficult to determine because different people interpret factors differently. In this case the U.S. Supreme Court ruled that a suspect's inexperience is not an objective factor, and, therefore, inexperience does not need to be considered when determining whether it was reasonable for a suspect to believe that they were not free to leave during questioning.

However, the reasoning of the justices did not make clear whether age could be part of the objective custody test.

– *In re: Gault* (1967)

Fifteen-year-old Gerald Gault was taken into custody after a neighbor complained of receiving an offensive phone call. The police held Gault without notifying him of the charges against him, without telling his parents that he was being held, and without informing him of his right to a lawyer. He was found delinquent in court and appealed his conviction. The U.S. Supreme Court ruled that that Fifth Amendment privileges must be extended to children during juvenile delinquency proceedings. The Court held that before an incriminating statement made by a minor could be used as evidence, there would have to be proof that the child made the statement of their own free will and knew that they would not be punished for remaining silent.