Walter forum post,

1. In Berghuis v. Thompkins, Thompkins was arrested and integrated on the charge of First Degree Murder, amongst other chargers.  While in custody, Thompkins was read his Miranda rights, in accordance with Miranda v. Arizona. After Thompkins was fully aware of his rights, Detective Helgert of Michigan PD began to interrogate Thompkins to see what information or confession they can extract from him. The interrogation lasted for 3 hours with Thompkins hardly uttering a word. Towards the end of the interrogation Thompkins answer a question that may imply that he was in fact involved in the murder. Helgert asked Thompkins “if he prayed to God to forgive him for the shooting” and Thompkins replied “yes”.  This could be interrupted that he did shoot the victim. Thompkins believed that he invoked his right to remain silent, 5th Amendment rights, and filled a motion to suppress said statement. The trail court didn’t agree with Thompkins claim, and denied his motion to suppress the statement. The trail went on and the jury found Thompkins guilty for First Degree Murder, sentencing him to life in prison without the possibility of parole. The case was appealed to the Federal District Court, who believed that Thompkins claim was correct under “de novo review” and that he was not intimidated or coercion into answering any questions. The Sixth Circuit reversed that sates court decisions.

Justice Kennedy delivered the court’s opinion: there were two separate constitutional errors that led the jury to find Thompkins guilty. The first was a violation of his 5th Amendment rights via his Miranda rights that the procession relied on for the convection verdict. The other violation was ineffective assistance by defense council.

Justice Sotomayer was the dissenting. They believed that Thompkins waved his right to remain silent once he started answering questions. Even though he sat quietly for most of the interrogation, his rights was waved once he spoke. Also, the court believed that if you do not want to waive your right to remain silent, you must clearly do so. In this case the Court felt that Thompkins did not clearly do so, and therefore his statement was admissible.

2. I think the impact of this decision sets the precedence for what is acceptable to say or do to invoke your right to remain silent. I think that the court is telling us that if you don’t “clearly” say or write you want to invoke that right, then you didn’t invoke it.  So, the “right to remain silent” isn’t really given, unless you say you want it. Once you say you’re invoking your rights then the integration stops, unless you waive those right and talk to police. By simply “remaining silent” the integration can continue and any words stated during that time is admissible. I think this is a loophole for police, because they can continue with the interrogation even though a suspect is implying they don’t want to talk to them.