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Commonwealth v. Cramer

COMMONWEALTH OF PENNSYLVANIA v. JOHN F. CRAMER SR., Defendant
Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch
Criminal Action No. 1475 - 2000

Motion to Suppress - Miranda Warnings - Custodial Interrogation

1. Miranda warnings must be administered prior to custodial interrogation.
2. To determine whether a police encounter amounted to custodial interrogation, the court must objectively view the totality of the circumstances.
3. Factors to be considered in determining whether one was subjected to custodial interrogation include the basis of the detention, the length of detention, location of detention, whether the suspect was transported and how, whether restraints were used, whether the police officers used or threatened to use force and the overall investigative methods implemented.
4. Defendant was not subjected to custodial interrogation when voluntarily questioned by state troopers in a hospital consultation room after being told he was free to leave at any time, despite his subjective belief that he was confined to the room.

Appearances:

John F. Nelson, *District Attorney*

Stephen F. Kulla, Esq., *Counsel for Defendant*

OPINION

WALKER, P.J., January 30, 2001

Introduction

Defendant John F. Cramer Sr. was charged with aggravated assault, endangering the welfare of a child and recklessly endangering another person for actions against his infant son that allegedly transpired on September 15, 2000. He timely filed the instant motion to suppress and a hearing was thereafter held on the motion December 28, 2000. Defendant and the Commonwealth have both submitted letter briefs to the court and the matter is now ripe for disposition.

Standard of Review

Pursuant to Rule 323(h) of the Pennsylvania Rules of Criminal Procedure, the Commonwealth must prove by a preponderance of the evidence that the challenged evidence is admissible. Pa.R.Crim.P. 323(h).

Findings of Fact

Pursuant to Rule 323(i) of the Pennsylvania Rules of Civil Procedure, the court enters the following findings

of fact in sequential order:

1. On Friday, September 15, 2000, defendant's son, at the age of two (2) months, sustained very serious cranial injuries and was eventually taken to Hershey Medical Center.
2. Defendant arrived at the Hershey Medical Center at approximately 4:00 a.m. on Saturday, September 16, 2000.
3. At approximately 2:00 p.m. on the following day, Troopers Carter and Grove of the Pennsylvania State Police arrived at the Hershey Medical Center in civilian attire.
4. Mrs. Cramer was approached by the troopers while alone in the infant's hospital room. She was told that the police were investigating the circumstances surrounding the infant's injuries.
5. Mrs. Cramer knocked on the bathroom door and told defendant to join her in an adjacent consultation room to speak with troopers from the Pennsylvania State Police.
6. When both defendant and his wife were present in the consultation room, the troopers asked to speak to them separately. Both Cramers assented.
7. The troopers first interviewed Mrs. Cramer for approximately forty-five minutes. During this time, defendant was able to move about the hospital unfettered.
8. After they finished with their interview of Mrs. Cramer, the troopers asked defendant to enter the room. At that time, it was approximately 3:00 p.m.
9. Before initiating any conversation, the troopers told defendant that he was not under arrest, that he was free to leave at any time and that he did not have to answer any questions they asked.
10. Defendant initially told the troopers that he did not know what caused his son's injuries.
11. When Trooper Carter left the consultation room to place a telephone call to his supervisor, Trooper Grove remained with defendant in the room and maintained no conversation.
12. Trooper Carter excused himself from the room a second time in order to receive an incoming telephone call.
13. While Trooper Carter was out of the room the second time, defendant utilized that floor's bathroom facilities. Trooper Grove accompanied defendant and waited in the hallway while defendant was inside the bathroom. When defendant exited the bathroom, he and Trooper Grove watched a football game on television while standing in the hallway.
14. After Trooper Carter returned to the consultation room after his second exit, defendant amended his initial recollection and told the troopers that his son's injuries could have occurred after a fall of approximately 12-18 inches.
15. Trooper Carter again exited the consultation room to inquire from medical personnel whether the injuries to defendant's son could have been caused by such a fall.
16. While Trooper Carter was out of the room, Trooper Grove spoke to defendant about the incident, and defendant explained that he dropped the baby while bathing him.
17. Trooper Carter returned to the room and told defendant that a nurse explained to him that the injuries to defendant's son could not have occurred from a drop of 12-18 inches.
18. Defendant then revised his story once again as he told the troopers that he shook the infant and threw him into the crib where he struck his head and acquired the skull fracture. Defendant was subsequently read his Miranda rights, signed a waiver form and then made an inculpatory taped statement.
19. The interview concluded at approximately 5:00 p.m., thus spanning a time period of approximately one hour and forty-five (45) minutes. During this time, defendant changed seats several times, with the troopers sitting in chairs closest to the door.
20. Throughout the course of the interview, defendant informed the troopers that he had not slept since his son was injured.

21. Defendant did not request food or water throughout the course of the interview, nor was he offered any.
22. At some point during the interview, Trooper Carter handed Trooper Grove a set of handcuffs. Trooper Grove placed the handcuffs within his briefcase.
23. After defendant's interview, his wife was brought into the room at his request so that he could tell her what had happened to their son. Both troopers insisted they remain in the room when he told his wife the story, but they later left the couple alone.
24. A representative from Children and Youth Services later entered the consultation room with the troopers, spoke to defendant and set up an interview with him for the following Monday.
25. While defendant remained in the consultation room, the troopers accompanied his wife to relay defendant's account to her parents. Both troopers left shortly thereafter.
26. Defendant was arrested on the following Thursday, September 21, 2000.

Discussion

Instantly, defendant asserts that the taped statement must be suppressed because it is the fruit of the poisonous tree from his original statement, given during custodial interrogation and in the absence of the required Miranda warnings. Alternatively, he suggests that the waiver form and subsequent taped statement were not made voluntarily, but rather so that he could leave the oppressive atmosphere of the consultation room. The Commonwealth opposes the motion and maintains that defendant was not subjected to custodial interrogation during the September 17, 2000, questioning by the state troopers. The court will address each of defendant's arguments in turn.

Initial Statement of Defendant

Law enforcement officers must administer Miranda warnings prior to custodial interrogation. *Commonwealth v. Johnson*, 373 Pa.Super. 312, 541 A.2d 332, 336 (1988). To determine whether a particular encounter with police amounted to custodial interrogation, our courts apply an objective test based upon the totality of the circumstances, yet with some consideration to the defendant's point of view or impression. *Commonwealth v. Gwynn*, 555 Pa. 86, 723 A.2d 143 (1988) [italics added]. Custodial interrogation, by definition, is "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his [or her] freedom of action in any significant way." *Johnson*, 541 A.2d at 336, quoting *Miranda v. Arizona*, 384 U.S. 436, 444, 86 S.Ct. 1601, 1612, 16 L.Ed.2d 694, 706 (1969). Interrogation alone is police conduct "calculated to, expected to or likely to evoke admission." *Id.* quoting *Commonwealth v. Simala*, 434 Pa. 219, 226, 252 A.2d 575, 578 (1969). However, any statement made by a defendant outside of the parameters of custodial interrogation is classified as gratuitous and shall not be suppressed. *Id.*

Put plainly, custodial interrogation occurs when the totality of the circumstances demonstrates that the questioning has become the functional equivalent of arrest due to the coercive nature of the confrontation. *Commonwealth v. Ellis*, 379 Pa.Super. 337, 549 A.2d 1323 (1988), appeal denied, 522 Pa. 601, 562 A.2d 824 (1989), citing *California v. Beheler*, 463 U.S. 1121, 1125, 103 S.Ct. 3517, 3520, 77 L.Ed.2d 1275 (1983). Factors to be analyzed to ascertain whether such a coercive nature existed include the basis of the detention, the length, location, whether defendant was transported and how he/she was transported, whether restraints were used, whether the officers showed, threatened or used force and the overall investigative methods implemented to substantiate or allay suspicions. *Commonwealth v. Busch*, 713 A.2d 97, 100 (Pa.Super. 1998). Finally, the court must note that the mere fact that a defendant had been singled out for investigation does not automatically activate the requirements for custodial interrogation. *Commonwealth v. Fento*, 363 Pa.Super. 488, 526 A.2d 784, 787 (1987).

Thus, the principal issue to be determined is whether, given the circumstances that existed on the afternoon of September 17, 2000, a reasonable person in defendant's position would feel that his or her freedom of action was restricted and whether a coercive atmosphere existed. The court's findings clearly illustrate such an environment did not exist. First, the troopers asked defendant if they could speak to him; they did not compel him to speak. While defendant may argue that this occurred before the real interrogation that led to the statement, he is reminded that the test for custodial interrogation concerns the totality of the circumstances. Likewise, defendant was allowed to freely roam about the hospital for approximately forty-five (45) minutes prior to his interview, while the troopers interviewed Mrs. Cramer.

Third, and perhaps most significant, the troopers clearly articulated to defendant that he was NOT under arrest, that he was free to leave at any time and that he should not feel compelled to answer any of their questions. Defendant admitted as much in his testimony, but nonetheless explained that he didn't

believe it because it was mere lip service. To support his allegation, he proposes that the troopers' admonition preceding the interview had no practical effect during the remainder of the interview because Trooper Grove told him, pre-Miranda, that they would come back and arrest him the next day, and that he would never see his child again if he did not give them the real story. While such a statement may or may not have automatically shifted the atmosphere to one of forcible coercion, it is of no matter, for we are disinclined to accept that such a statement was ever uttered by Trooper Grove since the only evidence that the statement was made is defendant's own testimony.

The court finds much of defendant's testimony to be incredible due not only to his initial deviating stories as to the events on Friday, September 15, 2000, but also due to his overall demeanor on the witness stand. Defendant first testified that the troopers verbally told him he was free to leave but that he did not believe it. Next, defendant testified on cross-examination that he did not recall whether he was told he was free to leave. It is of no consequence as to which account is accurate. What is significant is that defendant offered conflicting testimony in a nervous, foolish and gauche effort to cast aspersions on the troopers' credibility and/or buttress his argument that the environment during the interview was one of intimidation. This red flag in defendant's testimony, coupled with his demeanor as a witness and the fact that he offered at least three varying stories as to the cause of the infant's injuries, compels the court to disbelieve his account regarding Trooper Grove's comments.

The interview lasted less than two (2) hours. Defendant proposes that he was sleep deprived, hungry, that the troopers impliedly blocked his access to the door by sitting closer to it than he did and, finally, that they intimidated him by passing a set of handcuffs. But this was not a situation where the police were "sweating" a suspect under the lights in a dark room. The interview was relatively brief, and conducted in a hospital consultation room. The physical setting was hardly intimidating, the troopers were in plain clothes and defendant made no requests for food or water. Defendant was not transported anywhere for the interview and he makes no claim that he was physically threatened by the troopers or physically harmed in any way. In essence, defendant testified that he was intimidated and, ergo, coerced because he felt he could not go away. Maybe so, but such an assumption, given the totality of the circumstances, is unreasonable when measured against an objective standard.

Defendant nonetheless contends that the totality of the circumstances shows a coercive atmosphere (1) because his son was in the hospital during the interview, (2) that the interview was segregated and that the troopers never implied that he was free to leave the interview at any time. The court must confess that it is simply perplexed by defendant's first assertion. Ostensibly, defendant suggests that he could not have felt free to leave in practical terms because he was "stuck" at the hospital regardless. But though he may have been at the hospital to attend to his son, he had not confined himself to the consultation room. Moreover, whatever personal strictures defendant may have put upon his presence in the hospital, the evidence does not show that the troopers forced him to remain either within the consultation room or the hospital in general. Next, while it is true that defendant was interviewed out of the presence of his wife, he assented to this request by the troopers, as did his wife. Last, though he now claims that the troopers never implied that he could leave the consultation room, he nonetheless agreed at the suppression hearing that the troopers expressly told him as much.

Taped Statement of Defendant

Alternatively, defendant next suggests that regardless of whether the initial statement was the product of custodial interrogation, the subsequent taped statement should be suppressed because he did not knowingly, voluntarily and intelligently waive his Miranda rights. In his rather circular argument, he proposes that though the very same totality of circumstances analyzed by the court above did not amount to custodial interrogation, they should nonetheless render his official statement invalid.

Defendant reiterates that he was not free to leave the hospital because his son was admitted for treatment, but the court is still confused as to the logic and/or pertinence of the argument. He next offers that he waived his Miranda rights involuntarily because he was emotionally distraught and without sleep. However, the court is unwilling to find that defendant's mental state was disturbed due to either circumstance in the absence of supporting testimony from a medical expert that had examined his condition. No such testimony was presented. Further, defendant also proffers that Trooper Grove "psychologically manipulated" him by telling him that he too had gotten angry at his infant, and then adding that if defendant did not give the troopers the true story, he would never see his son again. Because this claim was disposed of in the preceding section of the opinion, it need not be reexamined.

Conclusions of Law

1. Defendant John F. Cramer Sr. was not subjected to custodial interrogation prior to his post-Miranda taped statement.

2. Defendant John F. Cramer Sr. voluntarily waived his Miranda rights before providing the taped statement.

ORDER OF COURT

January 30, 2001, the court having considered Defendant John F. Cramer Sr.'s motion to suppress, the evidence presented at the December 20, 2000, hearing, the letter briefs submitted by both sides following the hearing and the applicable legal standards, it is hereby ordered that defendant's motion is denied, as the Commonwealth has proven by a preponderance of the evidence that the initial statement made by defendant to the troopers was not the product of custodial interrogation and that the subsequent taped statement was voluntarily made.

The court's determination shall be final, conclusive and binding at trial, except upon a showing of evidence which was theretofore unavailable, but nothing prevents defendant from opposing such evidence at trial upon any ground except its suppressibility.