

BOBBY v. DIXON

132 S.Ct. 26

NOVEMBER 7, 2011

Archie Dixon and Tim Hoffner murdered Chris Hammer in order to steal his car. Dixon and Hoffner beat Hammer, tied him up, and buried him alive; pushing the struggling Hammer down into his grave while they shoveled dirt on top of him. Dixon then used Hammer's birth certificate and social security card to obtain a state identification card in Hammer's name. After using that identification card to establish ownership of Hammer's car, Dixon sold the vehicle for \$2,800.

Hammer's mother reported her son missing the day after his murder. While investigating Hammer's disappearance, police had various encounters with Dixon, three of which are relevant here.

The first encounter occurred when Dixon went to the police station to retrieve his car which had been impounded for traffic violations. By chance, he encountered a Detective who, after Mirandizing Dixon, asked about Chris Hammer. Dixon stated he would not talk without his lawyer being present and he left.

Five days later, after establishing that Dixon had sold Hammer's car and cashed the check by forging Hammer's name, the police arrested Dixon for forgery. Over a period of several hours the police intermittently interrogated Dixon. They decided not to advise him of Miranda rights for fear he would again invoke his right to counsel. Dixon admitted selling the car but claimed Hammer had told him to. He claimed that he was unsure of Hammer's location but thought he had gone to Tennessee. The police told Dixon that Tim Hoffner was telling them a different story and they implied that the first one to tell the truth would get some kind of deal. Dixon denied any knowledge of Hammer's disappearance. The police terminated the interrogation.

The same afternoon, Hoffner led police to Hammer's grave. Hoffner claimed that Dixon had told him that Hammer was buried there. After concluding their interview with Hoffner and releasing him, the police had Dixon transported back to the police station.

Dixon arrived at the police station at about 7:30 p.m. Prior to any police questioning, Dixon stated that he had heard the police had found a body and asked whether Hoffner was in custody. The police told Dixon that Hoffner was not, at which point Dixon said, "I talked to my attorney, and I want to tell you what happened." The police read Dixon his Miranda rights, obtained a signed waiver of those rights, and spoke with Dixon for about half an hour. At 8:00 p.m. the police, now using a tape recorder, again advised Dixon of his Miranda rights. In a detailed confession, Dixon admitted to murdering Hammer but attempted to pin the lion's share of the blame on Hoffner.

The trial court suppressed the forgery confession and the subsequent murder confession. The state appealed.

The case revolved around the following three issues:

1. When Dixon was Mirandized by the detective in the first chance encounter at the police department was his refusal to talk without his lawyer a bar to subsequent police initiated interrogation?

The Supreme Court said no. Dixon was not in custody at the time of the first encounter so Miranda warnings were not required. The fact that the officer gave them anyway does not matter. A suspect cannot invoke a Miranda right in a context other than “custodial interrogation.”

2. Did the police coerce Dixon’s first confession by urging him to make a deal before his accomplice did?

The Supreme Court pointed out that it has never held that urging a suspect to confess before another suspect does is a ground for holding a subsequent confession involuntary.

3. Did the police refusal to advise Miranda warnings as required in the second interrogation cause the confession in the third interrogation to be suppressed?

The Supreme Court held that it did not. “In this case, no two-step interrogation technique of the type that concerned the Court in *Seibert* undermined the Miranda warnings Dixon received. In *Seibert*, the suspect’s first, unwarned interrogation left “little, if anything, of incriminating potential left unsaid,” making it “unnatural” not to “repeat at the second stage what had been said before.” But in this case Dixon steadfastly maintained during his first, unwarned interrogation that he had nothing whatsoever to do with Hammer’s disappearance. Thus, unlike in *Seibert*, there is no concern here that police gave Dixon Miranda warnings and then led him to repeat an earlier murder confession, because there was no earlier confession to repeat. Indeed, Dixon contradicted his prior unwarned statements when he confessed to Hammer’s murder. Nor is there any evidence that police used Dixon’s earlier admission to forgery to induce him to waive his right to silence later: Dixon declared his desire to tell police what happened to Hammer before the second interrogation session even began. As the Ohio Supreme Court reasonably concluded, there was simply “no nexus” between Dixon’s unwarned admission to forgery and his later, warned confession to murder.”

“The admission of Dixon’s murder confession was consistent with this Court’s precedents: Dixon received Miranda warnings before confessing to Hammer’s murder; the effectiveness of those warnings was not impaired by the sort of “two-step interrogation technique” condemned in *Seibert*; and there is no evidence that any of Dixon’s statements was the product of actual coercion. That does not excuse the detectives’ decision not to give Dixon Miranda warnings before his first interrogation. But the Ohio courts recognized that failure and imposed the appropriate remedy: exclusion of Dixon’s forgery confession and the attendant statements given without the benefit of Miranda warnings. Because no precedent of this Court required Ohio to do more, the Sixth Circuit was without authority to overturn the reasoned judgment of the State’s highest court.”