WISCONSIN SUPREME COURT
TUESDAY, NOVEMBER 9, 2004
9:45 a.m.

02-3423 State v. Jerrell C.J.

This is a review of a decision of the Wisconsin Court of Appeals, District I (headquartered in Milwaukee), which affirmed a judgment of the Milwaukee County Circuit Court, Judge Francis T. Wasielewski presiding.

The case involves a confession by a 14-year-old boy who was handcuffed to a wall in an interrogation room and left alone there for more than two hours and then questioned by detectives for more than five hours without being permitted to talk to his parents. The question before the Court is whether this questioning violated Jerrell C.J.'s Miranda rights and whether the Court should adopt a rule excluding in-custody admissions from children under age 16 who have not had an opportunity to consult with a parent or interested adult. The Court also is expected to consider adopting a rule requiring police to videotape all interrogations of juveniles.

Here is the background: A McDonald's restaurant in Milwaukee was robbed at midnight on Saturday, May 26, 2001. Videotapes showed that three people walked in the front door, wearing dark clothes and ski masks. Two went into the kitchen, ordering employees to lie on the floor. One went into the office, where the manager put $3,590 in his bag. All three then ran out.

A few hours later, one person – a McDonald's employee – was detained. By Sunday evening, three others had been detained as suspects. At 6:20 on Monday morning, police arrested Jerrell in his home. He was taken to an interrogation room, handcuffed to the wall, and left alone until about 9 a.m. when two police detectives entered the room, removed the handcuffs, and began questioning him. They read him his Miranda rights and he said he understood them. They told him that his description matched an eyewitness account and that his cousin, Jerrad, who was also arrested, implicated him. He then denied any involvement in the crime and continued to deny involvement until the detectives moved him into the bullpen for lunch. After that, Jerrell confessed.

His confession contained details that were at odds with the evidence in the case, including a different description of the getaway car and a statement that he wore a tee shirt over his face when eyewitnesses said the robbers wore ski masks. He made a motion to suppress the confession, arguing that it had been coerced. The judge denied this motion, and also noted that there was sufficient evidence beyond the confession– such as his knowledge of the total amount of money taken and his description of the gun – that pointed to his guilt. Jerrell was adjudicated delinquent.

He appealed, and the Court of Appeals explored the conditions under which Jerrell was questioned and his ability to handle the interrogation. The court noted that Jerrell was intelligent, mature, articulate, without any evidence of addictions or mental illness and that he had not been injured nor was there evidence that we has emotionally distraught. Further, the court noted that Jerrell had been interrogated by police in the past on other matters and had an understanding of the process.

While it affirmed Jerrell's conviction, the Court of Appeals did express concern about the denial of phone calls and said this issue warranted special attention as false confessions by juveniles have been the subject of numerous legal treatises about the country.

The Supreme Court now will take another look at this case and at juvenile confessions in general and will consider information filed in additional briefs by the UW Law School's Innocence Project and the Children and Family Justice Center at Northwestern University.