

The First Appeal

Rhode Island Supreme Court

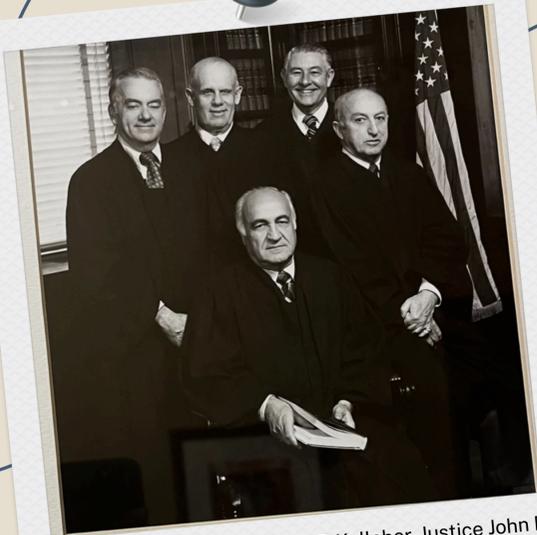
WHY WAS AN APPEAL ISSUED?

In 1978, Mr. Thomas Innis appealed the Kent County Superior Court verdict to the Rhode Island Supreme Court. He challenged Judge's decision to admit Innis' statement and related evidence resulting from the police car interaction as well as the robbery, kidnapping, and murder convictions. The court considered Mr. Innis' Fifth Amendment appeal and looked at two main issues:

1. Was Mr. Innis "interrogated" according to the definition of *Miranda*?
2. If yes, did he submit to the interrogation by voluntarily waiving his right against self-incrimination?

Oral arguments were held and both sides were given time to argue and explain the trial judge's decisions.

The Rhode Island Supreme Court reasoned that the definition of "interrogation" had been changing due to changing tactics of law enforcement. Previously, they held that even casual conversations could be considered interrogations when police officers engaged in them in an effort to have a suspect incriminate themselves.



Left to right: Justice Thomas F. Kelleher, Justice John F. Doris, Chief Justice Joseph A. Bevilacqua, Justice Joseph R. Weisberger, Justice Alfred H. Joslin
Courtesy of the Supreme Court of Rhode Island

SUPREME COURT PRECEDENT: *MIRANDA V. ARIZONA*

Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease. At this point he has shown that he intends to exercise his Fifth Amendment privilege; any statement taken after the person invokes his privilege cannot be other than the product of compulsion, subtle or otherwise... If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning... If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel.



Precedents such as *Gideon v. Wainwright* (1963) and *Brewer v. Williams* (1977) were cited in the opinions of the court.

In a 3-2 majority, the Supreme Court of Rhode Island sided with Thomas Innis.

Opinion: **Majority (3)**

The RISC decided that the conversation had **constituted an interrogation**, even though Mr. Innis wasn't personally addressed by the officers. They explained that though the conversation in the car was "**subtle compulsion**" it was still the functional equivalent of interrogation, and they decided that it was still in violation of the Innis' Fifth Amendment rights. It was decided that the shotgun and the defendant's statement were **inadmissible as evidence** and a new since they were obtained in violation of Innis' constitutional rights. The conviction was set aside and a **new trial** was ordered.

Opinion: **Dissenting (2)**

Justices **Kelleher** and **Joslin**, however, did not agree with the majority. Kelleher wrote the dissenting opinion, in which he expressed that the precedent of ***Brewer v. Williams* did not fit the Innis case** fairly. Kelleher also argued that Innis **intelligently and voluntarily waived his rights** in conversation with Captain Leyden, as he told the captain that he understood what he was doing and wanted to locate the sawed-off shotgun to assist the police. To both Justices, the questioning fell outside the scope of the **exclusionary rule** — it should not have applied.



"I cannot subscribe to the view that.... requires the police... to assume the role of contemplative monks at all times while they are in the suspects company"

— Justice Kelleher



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