

Rhode Island v. Innis: A Questionable Trial?

“Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive...these rights, provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking, there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned.”

–Miranda v. Arizona (1966)

Background of *Rhode Island v. Innis*

On January 12th 1975, Thomas Innis sawed off the base and barrel of a shotgun in the presence of his girlfriend, Ethel May Hall. He wrapped it in a blue and white blanket, exited her home, and entered a cab that was called for him by the apartment manager George Hull. Silver Top Cab Company sent Mr. John Mulvaney in Cab 21. Mr. Mulvaney drove Mr. Innis from Providence to East Greenwich. A few hours later, Coventry resident Paul McQuaid found Innis at his front door, wielding a red flashlight and asking for directions to Weaver Hill Road. Early the next morning, Mr. Innis arrived at his friend Crawford Calder’s house, saying his car broke down and he needed a place to sleep.

The following morning, Mr. Innis showed Mr. Calder the sawed-off gun and asked him to destroy the red flashlight he brought with him. He also asked Mr. Calder for a ride into Providence. Three days later, cab driver Gerald Aubin reported a man with a sawed-off shotgun robbed him at gun point. While in the police station, Mr. Aubin identified a picture of Mr. Innis on the station wall as his attacker. This launched the manhunt for Mr. Innis. Later that day, Cab 21 was found in a wooded area in Coventry along with a blue and white blanket, and the body of Mr. Mulvaney. The victim was in a shallow grave and had been shot in the head. At 4:30 the next morning, on January 17, Mr. Innis was found and arrested by Patrolman Lovell.

Police “Interrogation”

Following his arrest, the police read Mr. Innis his *Miranda* Rights three times. On the third time, he asserted his right to counsel, which required all questioning to cease. Mr. Innis was then placed in a police car with three police officers who accompanied him back to the police station. The officers were specifically ordered by Captain Leyden not to question, intimidate, or coerce Mr. Innis in any way. Shortly after leaving the scene, Officers Gleckman and McKenna began conversing, saying “there’s a lot of handicapped children running around in this area, and God forbid one of them might find a weapon with shells and they might hurt themselves.” Upon hearing this discussion, Mr. Innis directed the officers to turn the car around so he could take them to the location of the sawed-off shotgun. The officers turned the car around and returned to the scene where the search for the weapon was already underway. As Mr. Innis exited the car at the site, he was read the *Miranda* Rights for a fourth time. After hearing his rights, Mr. Innis proceeded to lead the officers to the weapon and ammunition.



Does this constitute a knowing and intelligent waiver of his rights?

Kent County Court Trial

On March 20, 1975 a grand jury indicted him on charges of kidnapping, robbery, and the murder of John Mulvaney. His case was brought to trial in the Kent County Superior Court and trial began in early November 1975. During trial Mr. Innis’ attorneys moved to suppress the shotgun and statements he had made to the police.

After hearing arguments and testimony, Judge Shea held, “the court is completely satisfied after hearing the police witnesses testify that this defendant was repeatedly and completely advised of his *Miranda* rights.”

On November 25, a jury of his peers found Thomas Innis guilty of kidnapping, robbery, and murder. The judge sentenced him to 20 years, 30 years, and life.



Judge Donald F. Shea, Courtesy of the Supreme Court of Rhode Island

Kent County Sentencing

“I am persuaded by the evidence that I have heard and reviewed that the defendant’s intention to kill the cab driver was more than momentary.

...I commend the defendant, and I will give him credit, for bringing the Providence police to where he had secreted the weapon. It was in an area, according to the evidence, where there had been a school for handicapped children.

But nothing that I have heard and read in your background and record, nothing in the presented report, indicates to me anything but that a long sentence should be imposed.”

–Judge Shea

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