

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN THE INTEREST OF: : JV 306-2016
: :
SJ : :
A JUVENILE : MOTION TO SUPPRESS

OPINION AND ORDER

On February 2, 2017, the Court held a hearing on the defense’s motion to suppress the confession of this 16 year old juvenile SJ. SJ had been questioned on December 21, 2016 by the tenth grade principal in his office with the police officer affiant present about a missing cell phone.

The testimony of the principal revealed that he questioned SL in the presence of the officer. The officer confirmed that no **Miranda**¹ warning was given. The officer did not ask questions or provide questions to the principal. The testimony revealed that the questioning was in an environment where SJ did not feel free to leave. No parents were present.

In determining the validity of SJ’s confession, the court must consider “all of the attending facts and circumstances” in determining whether to consider it knowing and freely given. In the Interest of C.L., 714 A.2d 1074, 1075 (Pa. Super. 1998); (*citing Commonwealth v. Williams*, 475 A.2d 1283, 1288 (Pa. 1984)). The Court finds the following facts and circumstances.

1. SJ was not Mirandized.
2. SJ’s parents were not present or notified.
3. Questioning was in circumstance where SJ would not have reasonably felt free to leave.
4. Questioning was in the presence of police.
5. No exigent or urgent circumstances existed.

6. SJ was not experienced in the justice system.
7. SJ was the police's primary suspect.

The Court concludes that despite the good faith of the principal and officer, the confession was coerced and not freely given.²

Accordingly, the Court enters the following Order.

ORDER

AND NOW, this **13th** day of **February 2017**, the motion to suppress SJ's confession is GRANTED.

BY THE COURT,

February 13, 2017
Date

Richard A. Gray, J.

c: JPO (4)
J. Yates, Esq.
D. Martino, Esq.

¹ Miranda v. Arizona, 384 U.S. 436, 444, 16 L. Ed. 2d 694, 86 S. Ct. 1602 (1966). *See, In the Interest of R.H.*, 568 Pa. 1, 3, 791 A.2d 331, 332 (Pa. 2002)(Student entitled to receive Miranda warnings before being questioned by the school police officer at school.)

² While not directly on point, and therefore not controlling, this Court notes that Appellate Courts have suppressed statements and required Miranda warnings when civil investigators have conducted questioning on their own. *See, e.g., In re C.O.*, 84 A.3d 726, 736, (Pa. Super. 2014), *citing, Commonwealth v. Ramos*, 367 Pa. Super. 84, 532 A.2d 465, 468 (Pa. Super. 1987).