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# Recent Developments: Taylor v. State: Reliance on an Officer's Statement That Investigatory Cooperation Will Result in Special Treatment from the Prosecution Renders That Statement Involuntary and Inadmissible as Evidence

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## RECENT DEVELOPMENT

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### **TAYLOR v. STATE: RELIANCE ON AN OFFICER'S STATEMENT THAT INVESTIGATORY COOPERATION WILL RESULT IN SPECIAL TREATMENT FROM THE PROSECUTION RENDERS THAT STATEMENT INVOLUNTARY AND INADMISSIBLE AS EVIDENCE**

**By: Peter McTernan**

The Court of Appeals of Maryland held that reliance on an officer's promise that cooperation could result in special treatment renders subsequent statements improperly induced. *Taylor v. State*, 388 Md. 385, 879 A.2d 1074 (2005). In reversing the intermediate appellate court's decision, the Court determined that an officer's promise to speak with the court commissioner on the Defendant's behalf was an improper inducement that renders the statements involuntary and therefore inadmissible. *Id.*

After arresting 19 year-old Shanquon Taylor ("Taylor") in North Carolina, authorities discovered an existing warrant for charges of first-degree rape, in Maryland. The police subsequently transported Taylor back to Prince Georges County, a trip lasting over seven hours, giving him no food or water. Upon arrival, Detective Schreiber ("Schreiber") fed and interviewed Taylor. Schreiber read Taylor his rights pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), yet in contradiction to traditional warnings, inferred that any statements made, "also can be used *for you* in court..." (Emphasis added) Schreiber mentioned that if Taylor cooperated, he could put in a recommendation with the court commissioner on Taylor's behalf. Concerned about his release, Taylor continuously inquired into the type of assistance Schreiber could provide. After hearing Taylor's story, Schreiber requested that the statements be put in writing. Reluctantly, Taylor agreed to do so. Taylor was then taken to the commissioner, denied bond, and committed to jail.

Although the initial case was *not prossed*, Schreiber immediately submitted a new set of charges including second-degree rape and Taylor was re-arrested. At a suppression hearing, Taylor moved to exclude his written statement primarily on the basis of a fragile mental

state and only tenuously on grounds of improper inducement. Because there was no mention of a wrongful issuance of *Miranda* warnings, the trial court accepted Schreiber's testimony that he did not improperly induce Taylor's statement. Thereafter, the parties signed a document entitled "Agreed Statement of Facts," which included both the victim's version of the incident as well as contradicting statements made by Taylor. This document was the only evidence introduced at trial and the court found it sufficient to convict.

The Court of Special Appeals of Maryland found that the "Agreed Statement of Facts" was actually a stipulation of evidence, but sufficient to affirm the trial court's decision. Although defense counsel had not raised the issue of problematic *Miranda* warnings, the Court addressed the issue finding that Schreiber's suggestion that Taylor's statements could be used favorably was permissible as long as it did not constitute an improper inducement. In turn, the Court found that because a court commissioner may consider a defendant's cooperation, there was not an improper inducement. The Court of Appeals of Maryland granted *certiorari* to address (1) whether the statement of facts was actually a stipulation of evidence and (2) whether Taylor's statement was voluntary.

In *Barnes v. State*, the Court differentiated an agreed statement of facts from evidence offered in the way of stipulation, 31 Md. App. 25, 35, 354 A.2d 499, 506-07 (1976). In an agreed statement of facts, opposing parties agree to the ultimate facts and there can be no factual dispute, thus the court simply applies the law. *Id.* Conversely, evidence offered in the way of stipulation is an agreement as to what evidence will be presented at trial. *Id.*

Furthermore, in *Atkinson v. State*, the Court noted that when there are issues of witness credibility, the procedure of presenting evidence in the form of stipulation should not be utilized, 331 Md. 199, 203 n.3, 627 A.2d 1019, 1021 n.3 (1993). In the instant case, the Court took this finding one step further holding that when there are disputes as to material facts, evidence in the way of stipulation *may not* be used at all. *Taylor*, 388 Md. at 398, 879 A.2d at 1082.

Here, the Court of Appeals found that the "Agreed Statement of Facts" contained differing accounts of the facts and was thus, a stipulation as to what testimony would be introduced at trial. *Id.* at 399, 879 A.2d at 1082. More specifically, while the document did in fact admit that Taylor engaged in sexual intercourse with the victim, it disputed the accusation as to the nonconsensual nature of the act. *Id.* at 400, 879 A.2d at 1083. Therefore, the decision as to which party's

account was more credible should have been left to the determination of the fact finder. *Id.* at 399, 879 A.2d at 1083. Because a finding of beyond a reasonable doubt could not have been properly determined, the Court remanded the case for a new trial where a fact finder could weigh the credibility of the evidence presented. *Id.* at 400, 879 A.2d at 1083.

The Court also addressed the admissibility of Taylor's statement. In *Hillard v. State*, the Court found that a statement made in reliance on a promise of special treatment will be deemed involuntary. 286 Md. 145, 153, 406 A. 2d 415, 420 (1979). Moreover, *Hillard* created a two-prong test to determine whether statements are improperly induced. *Winder v. State*, 362 Md. 275, 308-09, 765 A.2d 97, 115 (2001). The first prong asks if the officer made a "promise or imply to a suspect that he or she will be given special consideration from a prosecuting authority...." *Id.* The second prong asks, did the suspect "make a confession in apparent reliance on the police officer's statement." *Id.* Additionally, the State has the burden of proving that a statement was not made in reliance on an officer's promise. *Id.* at 310, 765 A.2d at 116.

The Court emphasized that here, Taylor, a 19 year-old, transported for over seven hours with no food or water, thought that his cooperation would grant his release. *Taylor*, 388 Md. at 402, 879 A.2d at 1084. After repeated demonstrations of a desire to go home, Taylor made statements to Schreiber in return for his promise to speak to the court commissioner. *Id.* at 402-03, 879 A.2d at 1084-85. Schreiber later acknowledged that with charges of first-degree rape, the commissioner would be unlikely to release Taylor until his trial date, yet Schreiber still intimated to Taylor that he could be of some assistance in trade for cooperation. *Id.* Furthermore, Taylor showed a great deal of reluctance in giving a statement. *Id.* Only after assurance that Schreiber would speak to the commissioner did Taylor agree to submit a written statement. *Id.* at 403, 879 A.2d at 1085. Schreiber's repeated assertions over Taylor's hesitance signify that Taylor only submitted the statement in return for the purported special treatment. *Id.* Therefore, the Court concluded that the two-prong *Hillard* test was satisfied and the statements were deemed involuntary, thus inadmissible as evidence. *Id.*

While police have traditionally utilized varying interrogational tactics, this holding severely limits a technique that has been historically implemented. Police must now exact a more conscientious exploration into a suspect's constitutional right to refrain from making

any type of statement. While inducement may be an easy route to procuring statements, suggestions or promises of special treatment in trade for cooperation are improper. Any intrusion by what could be characterized as an improper inducement will leave a subsequent statement involuntary and inadmissible as evidence. Therefore, the appropriate protocol for police procedure in conducting interrogation must be strictly adhered to and suspects' rights must not be infringed upon through this type of technique.