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Michael D. Snyder

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Reynolds v. State: CRIMINAL DEFENDANT'S STATEMENTS DURING INTERROGATION MAY BE ADMISSIBLE WHEN INDUCED BY ALTRUISTIC INTENT.

In *Reynolds v. State*, 327 Md. 494, 610 A.2d 782 (1992), the Court of Appeals of Maryland refused to invalidate a criminal defendant's testimony on the ground that his statements were induced by a police officer's assurance that they would result in the improved mental health of his daughter. In so ruling, the court of appeals reaffirmed its position that confessions elicited by a defendant's sense of altruism do not mandate suppression.

In 1989, Frederick William Reynolds, Jr. (hereinafter "Reynolds") was confronted by several members of his family concerning his sexual abuse of two of his daughters. Reynolds confessed and agreed to seek professional help. He sought treatment at a counseling center, where he was informed that, as a prerequisite to receiving treatment, Maryland law required him to sign a form authorizing the center to notify the police of any evidence implicating him as a child-abuser. Confused about his options, Reynolds telephoned the Carroll County State's Attorneys Office, where he spoke with an Assistant State's Attorney who advised him to undergo counseling. She also informed him that she could not provide him with further advice because she was responsible for prosecuting sexual abuse cases. Believing that he had no alternative to receiving treatment, Reynolds returned to the center and signed the authorization form.

While receiving treatment, Reynolds voluntarily agreed to meet with Maryland State Police Officer Corporal Richard E. Norman (hereinafter "Norman"). At their first meeting, Reynolds was informed that he was not required to answer any questions he did not want to answer and he would not, at that time, be arrested. Despite such assurances, Reynolds requested Norman to read him his *Miranda* rights. The

interview continued and Reynolds freely confessed to his previous criminal incestuous behavior.

After the meeting Norman continued his investigation by interviewing Reynolds' daughters. Following a lengthy discussion with Crystal, one of Reynolds' daughters, Norman sought a second interview with Reynolds, who agreed to meet. During this meeting, Reynolds was asked to corroborate statements Norman had recently received from Crystal, one of Reynolds' daughters. After Norman suggested to Reynolds that verifying Crystal's statements would ease his daughter's mental anguish, Reynolds answered Norman's questions. Two days later, Norman returned to Reynolds' home and arrested him on various charges of sexual offenses committed upon his daughters.

At trial, Reynolds made a motion to suppress those incriminating statements on the ground they were involuntary. The Circuit Court for Carroll County denied Reynolds' motion, finding Reynolds guilty of various sexual offenses. On appeal, the court of special appeals affirmed the circuit court, and the Court of Appeals of Maryland granted Reynolds' writ of certiorari.

On appeal to the Court of Appeals of Maryland, Reynolds challenged the incriminating statements admitted at trial on both due process and common law grounds. *Id.* at 503, 610 A.2d at 785. The court of appeals acknowledged that, in order to determine whether a confession was voluntary, the constitutional due process "test is of the totality of the circumstances. All of the circumstances of the interrogation, and the particular characteristics of the accused must be examined. Generally, no one factor is dispositive." *Id.* at 503, 610 A.2d at 786 (quoting D. Nissan et al., *Law of Confessions* §1:9 (1980 & Cum. Supp. 1991)). The court also noted that a claim of involuntariness which deprived a criminal defendant of his due process rights cannot stand "[a]bsent police conduct causally related to the confession. . . ." *Id.* at 504, 610 A.2d at 786 (quoting *Colorado v.*

Connelly, 479 U.S. 157, 164 (1986)).

Acknowledging that claims of involuntariness may be brought under either constitutional due process or state evidentiary law, the court then looked to common law standards. *Id.* at 504, 610 A.2d at 786. The court of appeals determined that the common law approach required a more precise examination of the conduct leading up to a confession. *Id.* The court listed factors such as actual or threatened physical harm, promises not to prosecute, and promises of leniency as possible indications of an invalid confession. *Id.* (citing W. LaFave and J. Israel, 1 *Criminal Procedure* §6.2, at 440 (1984)). Notwithstanding the difference between the common law approach and the constitutional due process approach, the court recognized that Maryland common law looked to the "totality of the circumstances" as well. *Reynolds*, 327 Md. at 504, 610 A.2d at 787.

The court then considered whether the Assistant State's Attorney improperly induced a confession by instructing Reynolds to seek counseling. *Id.* at 503, 610 A.2d at 789. Although promises of leniency which induce defendants to admit their guilt are often encouraged by the court, these same assurances are discouraged when made by state agents during custodial interrogation. *Id.* at 504, 610 A.2d at 787. Thus, any such inducement on the Assistant State's Attorney's behalf would be disfavored by the court. The court found that the remarks did not promise a benefit or advantage to Reynolds in exchange for a confession, but actually served as a warning that Reynolds might be found criminally liable. *Id.* at 510, 610 A.2d at 789. In addition, the court determined that even if it found that Reynolds was improperly induced to seek counseling, no evidence existed to support a finding that he was encouraged to speak to the police. *Id.* at 511, 610 A.2d at 790. As such, the court found that under the totality of the circumstances there was no inducement. *Id.*

The court then addressed the issue of whether Norman's statements, re-

garding the mental health of Reynolds' daughter, were improper inducements. Reynolds' principle argument stemmed from *Stokes v. State*, 289 Md. 155, 423 A.2d 552 (1980), wherein the Court of Appeals of Maryland invalidated a defendant's statements because he was promised that his wife would not be arrested and charged if he confessed. *Reynolds*, 327 Md. at 512, 610 A.2d at 790 (citing *Stokes* at 157, 423 A.2d at 553). As the court declared in *Stokes*, however, "[n]either Maryland nor any other jurisdiction of which we are aware goes so far as to say that a confession motivated by a defendant's sense of altruism, without inducement of an official threat or promise, is involuntary." *Reynolds*, 327 Md. at 512, 610 A.2d at 790 (quoting *Stokes* at 162, 423 A.2d at 555).

Comparing *Stokes* to the instant case, the court distinguished its decision by the fact that *Stokes* involved both a direct and a collateral benefit by which the defendant and a third party would benefit from the defendant's confession. *Reynolds*, 327 Md. at 512, 610 A.2d at 790. In *Reynolds*, however, the court found that the defendant's confession, which was given with no promise of legal advantage to the defendant or a third party, was merely an altruistic action on defendant's behalf. *Id.* at 513, 610 A.2d at 791. Accordingly, the court held that absent any promise or threat by the police, the mere fact that a criminal defendant believes his testimony will help a relative will not invalidate the statements. *Id.*

Reynolds represents a tightening of

the limits of inadmissible testimony in Maryland courts. By defining with greater precision what constitutes an improper inducement of a confession, the court has settled the issue of whether an improper inducement is present where no direct personal legal benefit is gained through a defendant's confession. In addition, *Reynolds* signifies a trend which moves away from a per se exclusion of testimony and toward an analysis of the totality of the circumstances. Rather than focusing on specific statements made to the defendant, this trend increases the importance of determining the impact of promises made to criminal defendants during interrogation.

-Michael D. Snyder



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