

SUMMARY STATEMENT

State v. Tyrell Garrett McNeely, Docket No. 43943

In an appeal from Franklin County, the Supreme Court affirmed the district court's grant of a motion to suppress statements made by Tyrell McNeely to Detective Zane Jensen. McNeely was arrested for a misdemeanor probation violation in 2015. After McNeely was questioned about the probation violation, Detective Jensen was asked to transport McNeely to the county jail. Before transporting McNeely, Detective Jensen decided to question him about alleged improper conduct between McNeely and a minor. Before questioning, Detective Jensen informed McNeely of his *Miranda* rights. As part of his recitation of rights Detective Jensen said, "You have the right to have an attorney, do you understand that? To help you with – stuff." The district court found that this warning did not adequately convey McNeely's right to the presence of an attorney before and during questioning and suppressed incriminating statements made by McNeely. Overruling an earlier decision made soon after the U.S. Supreme Court announced the rule in *Miranda*, *State v. Ross*, 92 Idaho 709, 449 P.2d 369 (1968), the Supreme Court affirmed and held that the warning given by Detective Jensen did not adequately convey to McNeely his right to have an attorney present before and during questioning.