

SUMMARY STATEMENT

State of Idaho v. Michael Elton McCarroll
Docket No. 49950

Michael Elton McCarroll appeals from his judgment of conviction and sentence for lewd conduct with minor child under sixteen. McCarroll argues the district court erred in denying his motion to suppress his confession because his will was overborn by police coercion and, as a result, his confession was not voluntary. Alternatively, McCarroll argues that even if the district court considered the totality of the circumstances, it still erred in finding the confession was voluntary because the detective did not honor the *Miranda* warnings given to McCarroll. Finally, McCarroll argues the district court abused its discretion in sentencing him to a unified term of life, with fifteen years determinate.

Substantial and competent evidence supports the district court's finding that the confession was voluntary under the totality of the circumstances. The district court considered the relevant factors, including the testimony of McCarroll's expert's statements before reaching its conclusion. The district court rejected some of the expert's conclusions, finding that the expert's conclusions while credible, without foundation, they were not particularly reliable.

Next, the district court did not err in holding that the detective did not disregard the *Miranda* warnings given to McCarroll. Substantial and competent evidence supports the district court's conclusion that after a thirty-minute break in the interrogation, McCarroll initiated a conversation with the detective and knowingly and voluntarily agreed to speak with the detective at that point. Subsequent questioning led to McCarroll's confession, but McCarroll was not coerced into continuing the conversation. Further, the district court did not err in holding that the detective did not subvert McCarroll's *Miranda* warnings because the detective did not continuously ask McCarroll to confirm his request to consult an attorney before terminating the questioning and did not continue the interview until McCarroll reinitiated the conversation.

Finally, the district court did not err in sentencing McCarroll to a unified sentence of life, with fifteen years determinate, because a review of the record indicates that the district court properly exercised its sentencing discretion. Therefore, the Court of Appeals affirmed the order denying McCarroll's motion to suppress and his judgment of conviction and sentence.

This summary constitutes no part of the opinion of the Court but has been prepared by court staff for the convenience of the public.