

BOISE, WEDNESDAY, AUGUST 19, 2020 AT 1:30 P.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Appellant,)	
)	
v.)	Docket No. 47163
)	
JAMES JEFFERSON KENT,)	
)	
Defendant-Respondent.)	
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Jonathan P. Brody, District Judge.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Appellant.

Eric D. Frederickson, State Appellate Public Defender, Boise, for Respondent.

The State appeals from the district court's order granting James Kent's motion to suppress statements he made during a non-custodial interrogation. During this interrogation, the officer began reading Kent his *Miranda* rights, at which point Kent interrupted the officer and told him he would not answer any questions. The officer continued to read Kent his rights and, after completing the warnings, asked Kent if he was willing to speak with him. Kent said that he would and eventually made incriminating statements. The district court suppressed the statements. The district court found that Kent was not in custody at the time, but nevertheless held: "Where *Miranda* warnings are read to an individual unnecessarily and the defendant invokes the right to remain silent, an officer may not ignore that invocation."

On appeal, the State argues that the district court erred by extending *Miranda*'s application to a non-custodial interrogation. In response, Kent contends that because he has a constitutional right to remain silent regardless of whether he was given *Miranda* warnings and regardless of whether he was in custody, the district court did not err in suppressing his statements as having been obtained in violation of the right to remain silent.