

## FLORIDA CASE LAW UPDATE 20-02

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**Case:** Quarles v. State, 45 FLW D386b (Fla. 4<sup>th</sup> DCA)

**Date:** February 19, 2020

**Subject:** Even though the suspect, who had previously invoked his Fifth Amendment rights, was the one to reinitiate further conversation with the police, his statement was inadmissible when the police failed to re-Mirandize him after the reinitiation

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**FACTS:** The fifteen-year-old defendant was arrested and charged with first-degree murder after several witnesses identified him as the shooter. He was transported to the Sheriff's Office and advised of his Miranda rights. The detective also advised Quarles that a lawyer had been hired to represent him, and the lawyer did not want him to speak with the police. The suspect invoked his rights and declined to make any statements. Less than an hour later, however, Quarles began banging on the cell door saying that he wanted to speak with the detective. He was taken back to the interview room where the detective reminded him that he had been previously advised of his rights, asked him if he understood them, and confirmed that the suspect was reinitiating conversation voluntarily; however, Quarles was not re-Mirandized. The suspect then stated that he accidentally shot the victim. Before trial, Quarles moved to suppress his statements, arguing that they were taken in violation of his Miranda rights, and were therefore involuntary. The trial court denied the motion, and Quarles was convicted of second-degree murder, along with firearms charges. This appeal ensued.

**RULING:** The Fourth District Court of Appeal reversed the trial court, holding that while the police may elicit statements from a suspect who himself reinitiates the contact after invoking his rights, Florida case law requires that the suspect be re-Mirandized prior to any subsequent questioning.

**DISCUSSION:** The appellate court relied on two cases from the Florida Supreme Court to support its ruling. In *Welch v. State*, 992 So.2d 206 (Fla. 2008), the Supreme Court, citing the U. S. Supreme Court's decision in *Oregon v. Bradshaw*, held that "even when an accused has invoked the right to silence or right to counsel, if the accused initiates further conversation, is reminded of his rights, and knowingly and voluntarily waives those rights, any incriminating statements may be properly admitted." The court in *Welch* emphasized that in that case, the suspect had made a voluntary and knowing waiver after being advised of his rights a second time. Additionally, in *Shelly v. State*, 262 So.3d 1 (Fla. 2018), the Florida Supreme Court reaffirmed its holding in *Welch*, and noted again that there is a "requirement that the accused be specifically given his or her Miranda rights after an alleged reinitiation." Since Quarles was not re-advised of his Miranda rights after he initiated the second contact, his statements must be suppressed. Conviction set aside, new trial ordered.

**COMMENTS:** These cases provide bright-line guidance to law enforcement. When a suspect reinitiates contact or conversation with the police after previously invoked his Fifth Amendment rights, an entirely new rights advisement and waiver must be conducted and documented. Simply reminding the suspect of his previous Miranda advisement is insufficient.

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Officers should consult with their agency legal advisors to confirm the interpretation provided in this Update and to determine to what extent the case discussed will affect their activities.