

## Nevada high court stiffens Miranda rights of criminal suspects

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CARSON CITY — A suspect who asks, “Can I get an attorney?” after being advised of his Miranda rights has unequivocally asked for counsel and no longer can be questioned by police, a unanimous Nevada Supreme Court said in an opinion issued Thursday.

The decision written by Justice Nancy Saitta reversed the conviction of Christopher Carter on eight counts of burglary, 12 counts of robbery and one count of coercion because a confession obtained by the Las Vegas police was erroneously admitted at his trial.

Carter had worked as the late pop star Michael Jackson’s personal bodyguard for a year through August 2003.

A lower court judge had denied a request to suppress the confession, finding that Carter’s statement given to a detective on the way to the police station after his arrest was ambiguous and there was no substantive questioning until after Carter was given a second set of Miranda warnings at the police station, at which time he waived his right to counsel.

But the Supreme Court said the question asked by Carter included no circumstances “that would suggest to a reasonable officer anything other than that Carter was asking for the aid of an attorney.”

Carter’s attorney, Karen Connolly, said the ruling will have an effect on how law enforcement goes about questioning suspects going forward.

“The ruling makes it clear that when a suspect asserts his constitutional rights by requesting an attorney, the appropriate law enforcement response is not, ‘We’ll chat about that later,’” she said. “It establishes that when someone asks, ‘Can I have a lawyer?’ all questioning must stop. You can’t continue a conversation and re-Mirandize a suspect later to obtain a confession; it’s unconstitutional.”

Because Carter’s confession was the linchpin in the case against him, the court said its admission cannot be considered harmless error and so reversed his conviction.

The case dates to 2005, when Carter was arrested in connection with a series of robberies going back to 2003.

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