

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WINONA

THIRD JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,

v.

File No. 85-CR-23-937

**NOTICE OF MOTION AND
MOTION TO SUPPRESS**

Adam Taylor Fravel,
Defendant.

TO: The Honorable Nancy L. Buytendorp, Judge of District Court, and Karin L. Sonneman, 171 West Third Street, Winona, MN 55987.

PLEASE TAKE NOTICE that the above-entitled matter is scheduled for a Contested Omnibus Hearing on March 19, 2024, at 9:00 a.m. At that hearing, or as soon thereafter as counsel may be heard, the Defendant, by and through counsel, will request an Order from the Court suppressing the Defendant's statement, and all evidence derived from that statement, made to law enforcement during a custodial interrogation on April 2, 2023, at the Rushford Police Department.

MOTION

The Defendant moves the Court for an Order suppressing his statement made to law enforcement on April 2, 2023, at the Rushford Police Department. The Fifth Amendment to the United States Constitution requires police officers to provide a suspect with the warnings from *Miranda v. Arizona*, before conducting a custodial interrogation. 384 U.S. 436, 479 (1966). In the absence of these warnings, which are commonly called "Miranda warnings," any statements made by a suspect during a custodial interrogation are inadmissible at trial. *Id.* A custodial interrogation occurs when questioning is initiated by law enforcement officers while a person is in a custodial setting. Interrogation is considered custodial if, based on all the surrounding circumstances, a reasonable person

under the circumstances would believe that he or she was in police custody of the degree associated with formal arrest. *State v. Vue*, 797 N.W.2d 5, 10–11 (Minn. 2011). In considering whether an interrogation is custodial, courts look at the totality of the circumstances. *Id.* at 11.

The record in this case is clear that law enforcement did not provide a *Miranda* warning prior to interrogation occurring on April 2, 2023, at the Rushford Police Department. The record is also clear that the Defendant drove himself to the interview and was not in handcuffs, prior to, or during, the interrogation. The Defendant contends that during interrogation the totality of the circumstances shifted such that a reasonable person under those same circumstances would have believed that he or she was in police custody to the degree associated with formal arrest.

Accordingly, the Defendant respectfully requests an Order from the Court suppressing his statement given on April 2, 2023, to law enforcement as well as all evidence derived from that statement.

Respectfully Submitted,

MESHBESHER & SPENCE, LTD.

Dated: January 19, 2024

By:

Zachary C. Bauer, #033294x

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