

08-1175 FLORIDA V. POWELL

DECISION BELOW: 998 So.2d 531

LOWER COURT CASE NUMBER: SC07-2295

QUESTION PRESENTED:

I WHETHER THE DECISION OF THE FLORIDA SUPREME COURT HOLDING THAT A SUSPECT MUST BE EXPRESSLY ADVISED OF HIS RIGHT TO COUNSEL DURING CUSTODIAL INTERROGATION, CONFLICTS WITH MIRANDA v. ARIZONA AND DECISIONS OF FEDERAL AND STATE APPELLATE COURTS.

II AND IF SO, DOES THE FAILURE TO PROVIDE EXPRESS ADVICE OF THE RIGHT TO THE PRESENCE OF COUNSEL DURING QUESTIONING VITIATE MIRANDA WARNINGS WHICH ADVISE OF BOTH (A) THE RIGHT TO TALK TO A LAWYER "BEFORE QUESTIONING" AND (B) THE "RIGHT TO USE" THE RIGHT TO CONSULT A LAWYER "AT ANY TIME" DURING QUESTIONING?

CERT. GRANTED 6/22/2009