No. 19-924

IN THE

Supreme Court of the United States

STATE OF INDIANA,

Petitioner,

v.

ERNESTO RUIZ,

Respondent.

On Petition For A Writ Of Certiorari To The Indiana Supreme Court

BRIEF IN OPPOSITION

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QUESTION PRESENTED

When analyzing whether a station-house interview is a custodial interrogation under *Miranda*, do the ordinary security features and layout of a police station weigh in favor of a determination that the interview was custodial?

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INTRODUCTION

In *Miranda v. Arizona*, 384 U.S. 436 (1966), this Court held that an individual must be warned, before a custodial interrogation, that he has the constitutional rights to remain silent, to have an attorney present, and to have an attorney appointed free of charge if he cannot afford one. *See id.* at 467–73. Petitioner Ernesto Ruiz, a non-native English speaker, was never given these warnings before two officers interrogated him at a police station for nearly an hour. *See* Pet.App. 12a, 21a. The trial court thus ruled that statements he made during that interrogation were inadmissible. *Id.* at 8a, 24a–26a.

The Indiana Supreme Court affirmed, concluding based on a detailed analysis of "the totality of objective circumstances" that the interrogation had been custodial. *Id.* at 9a. "To start," the court noted that an officer had initiated the interrogation by showing up at Ruiz's front door, informing him that he had been accused of a crime, and asking him to come to the station for an interview. *Id.* at 10a. Once Ruiz arrived at the station, the officer led him on a "circuitous path" through a locked door, "up the elevator and the stairs," and into a windowless interrogation room. *Id.* 10a–11a. Although that officer at first told Ruiz that he could "walk out 'that door,'" the court found that, under the circumstances, that "statement was not enough to make a reasonable person feel free to leave." *Id.* at 11a. In particular, the court emphasized that the entry of second officer—who became the primary interrogator and questioned Ruiz in an increasingly "accusatory" and "aggressive" manner—"completely recast the

interrogation" and "undercut any initial message of freedom." *Id.* at 11a–12a. The court also identified "[o]ther statements the officers said or omitted" that, "along with the character of their questioning," signaled "curtailed freedom of movement." *Id.* at 12a. And it emphasized that "[t]he questioning was . . . prolonged, lasting almost an hour." *Id.* "Altogether," the court concluded, "the circumstances surrounding the interrogation add[ed] up to a situation in which a reasonable person would not feel free to end the interrogation and leave." *Id.* at 13a.

Unhappy with that result, the State has fixated on one paragraph of the Indiana Supreme Court's extended analysis, which describes the "labyrinthine" route by which Ruiz was escorted through the police station. And it has tried to gin up a split by turning the same zoom lens to a handful of *Miranda* cases from other courts. That strategy, however, cannot obscure what the decision below makes clear: that the custody finding turned on the "totality of the circumstances," and that the station layout was not even the circumstance the court considered "most important[ ]." *Id.* at 11a.

This Court's review is unwarranted for three reasons. *First*, the supposed split is illusory. Many of the State's cases do not even involve a police station. And in each, the court considered the physical setting of an interrogation as one fact among many that are relevant to the "totality of the circumstances" analysis. *Second*, this case is a poor vehicle. The decision below did not turn on the station layout or security features; even if it did, it is not clear that the layout and features here qualify as "ordinary." *Third*, the decision below is correct.

Time and time again, this Court has held that "courts must examine 'all of the circumstances surrounding the interrogation'"—"includ[ing] the location of the questioning"—to determine whether an interrogation was custodial. *Howes v. Fields*, 565 U.S. 499, 509 (2012) (quoting *Stansbury v. California*, 511 U.S. 318, 322 (1994) (*per curiam*)). That is exactly what the court did here.

The petition should be denied.

STATEMENT

1. On October 7, 2015, a police officer, Detective Sergeant Greg O'Brien, appeared at Petitioner Ernesto Ruiz's front door and informed him that he had been accused of a crime. Pet.App. 20a–21a. Detective O'Brien told Ruiz that he "needed to interview him" and "asked him to come up to the police station." *Id.* at 10a, 21a. Detective O'Brien "did not inform Ruiz that any other time or place would suffice for the interview." *Id.* at 10a.

Ruiz heeded the officer's instructions, and arrived at the station for the interview a short time later. *See id.* at 10a, 21a. Detective O'Brien met Ruiz in the lobby and then led Ruiz through a "secure door," which can opened in that direction only by using a key fob or by being "buzzed in." *Id.* at 10a, 21a. (Although no key or buzzer was needed to *exit* that door, Ruiz was never informed of that fact. *See id.* at 11a.) Detective O'Brien then escorted Ruiz "into a secured area containing the police squad room," "up the elevator and the stairs," "through a second keyed door that was propped open," and into an interrogation room with no windows and one door. *Id.* at 10a. Petitioner was seated near the door,

which was closed behind him. *Id.* Detective O'Brien went on to interrogate Ruiz in English—a language in which Ruiz, a native Spanish speaker, is "[p]retty much" fluent. *Id.* at 21a. A second officer, Detective Sergeant Troy Munson, entered the room after "about thirteen minutes" and, from that point forward, "became the primary interrogator." *Id.* at 10a–11a, 21a.

Neither officer gave *Miranda* warnings. *Id.* at 2a. Prior to Detective Munson's appearance, Detective O'Brien "told Ruiz—a single time—that he could walk out 'that door.'" *Id.* at 11a. But neither officer "sa[id] anything to preserve that statement's validity" after Detective Munson came on the scene and "recast the interrogation." *Id.* at 11a–12a. And at no point did either officer "tell Ruiz that he wasn't under arrest; that he could end the interrogation at any time; or that he was free to leave once Detective Munson suddenly injected himself into the interrogation and began aggressive questioning." *Id.* at 12a. To the contrary, the officers told Ruiz "multiple times" "that he was to 'sit tight' in the interrogation room." *Id.* at 2a–3a; *see also id.* at 11a.

The questioning was "prolonged, lasting almost an hour." *Id.* at 12a. Throughout, "[t]he officers were explicit that they believed Ruiz had engaged in the accused conduct." *Id.* And they "employ[ed] various interrogation tactics" in an effort "to convince [Ruiz] to incriminate himself." *Id.* at 14a. For example, Detective Munson "used subterfuge, lying to Ruiz" that the person who had accused him of a crime had passed a lie-detector test. *See id.* at 15a. And he told Ruiz "that the alleged conduct was 'not a big deal' but that Ruiz would 'look bad' if he wasn't

forthcoming about it." *Id.* Indeed, the officers suggested that, "if Ruiz didn't talk right then about what he had done, they would make things worse for him in the future." *Id.*

"[T]he officers continued the interrogation past the time they knew Ruiz was supposed to pick up his daughter." *Id.* at 13a. It ended only once "the officers had extracted incriminating remarks." *Id.*

2. Ruiz was formally charged nine days later, based in large part on the statements he made during that interrogation. *See id.* at 24a. The State sought to use a video recording of the interrogation as evidence during his criminal trial. *Id.* at 3a. But Ruiz moved to suppress the recording. *See id.* "Under *Miranda v. Arizona*, if Ruiz was under 'custodial interrogation,' the police were required to give him certain warnings about his rights, and the absence of those warnings precludes the use of his statements to prove guilt." *Id.* at 8a.

The trial court held a two-day suppression hearing, at which it considered the recording itself, testimony from the two officers who had interrogated Ruiz, and the arguments of counsel. *See id.* After the hearing, the court found that Ruiz had been "in custody" during the interrogation. *See id.* at 24a–26a. "This is a police setting, this is a secure facility," the court reasoned. *Id.* at 24a (quoting transcript). "Yes, [Ruiz] voluntarily went there," "[b]ut he had to be buzzed into the area or taken into the area of a secure room" and "the door [was] shut." *Id.* (quoting transcript). And although Detective O'Brien initially told Ruiz that he was free to leave, the "concern here" is whether a reasonable person would still feel free to leave after "the second officer

comes into the room and shuts the door." *Id.* at 25a (quoting transcript). Although the court emphasized that it did not attribute any "ill will" to the officers, it concluded that "a reasonable person under the circumstances" would not have believed he was free to end the interrogation and leave the police station. *Id.* (quoting transcript). The court therefore granted Ruiz's motion to suppress and, because a jury had already been empaneled, declared a mistrial. *See id.* at 26a.

3. The State appealed the trial court's ruling, attesting that it could not proceed against Ruiz without the suppressed evidence. *See id.*

The Indiana Court of Appeals reversed. "The crucial question," the court explained, "is whether Ruiz was 'in custody' during the interrogation for purposes of *Miranda*." *Id.* at 29a. It concluded that he was not because, "based on the totality of the circumstances, a reasonable person in circumstances similar to those Ruiz experienced would believe he or she was free to leave." *Id.* at 33a.

4. The Indiana Supreme Court granted Ruiz's petition for further review, vacated the Court of Appeals' ruling, and affirmed the suppression of Ruiz's statements. *See id.* at 5a. The court began by recounting the applicable standard. "Custody under *Miranda* occurs," the court explained, "when two criteria are met": (1) "the person's freedom of movement is curtailed to 'the degree associated with a formal arrest,' " and (2) "the person undergoes 'the same inherently coercive pressures as the type of station house questioning at issue in *Miranda*.' " *Id.* at 8a (quoting *Maryland v. Shatzer*, 559 U.S. 98, 112

(2010), and *Howes*, 565 U.S. at 509). It then addressed each criterion in turn.

a. As to Ruiz's freedom of movement, the court "examine[d] the totality of objective circumstances surrounding the interrogation" to determine whether "a reasonable person would feel . . . free to terminate the interrogation and leave." *Id.* at 9a (citing *Howes*, 565 U.S. at 509). On the one hand, the court acknowledged various facts that, taken alone, tended to suggest that Ruiz would have believed himself free to leave. *See id.* at 9a–10a. It acknowledged, for example, that Ruiz drove himself to the station; that Detective O'Brien at first told him that he could "walk out that door at any time"; that Ruiz sat near the unlocked door; that Ruiz had not been arrested; that the interrogation had lasted less than an hour; and that Ruiz "left unhindered" after the interrogation concluded. *See id.* at 9a. "This evidence," the court recognized, "does indeed point toward no custody." *Id.* at 10a.

On the other hand, the court identified "substantial, probative evidence in the record [that] point[ed] in the opposite direction." *Id.* "[T]he time and place of the interrogation," the court emphasized, "were directed" by a police officer, who "showed up at Ruiz's home, informed Ruiz of the allegations against him," and "asked him to come up to the police station" to be interviewed. *Id.* "Importantly," the court noted, the officer "did not inform Ruiz that any other time or place would suffice for the interview." *Id.* In addition, upon getting dressed and arriving at the station, Ruiz was led "through a door that required a key fob to enter" and then "through various sections of the station

house" until he arrived in "a small interview room with no windows and a single door." *Id.* And to top it off, the court emphasized that, thirteen minutes into the interview, Detective Munson entered the room and "became the primary interrogator"—from which point "the police outnumbered Ruiz in the room two-to-one." *Id.* at 10a–11a.

The court then addressed the significance of Detective O'Brien's statement that Ruiz could "walk out that door at any time." *Id.* at 9a. It concluded that "this statement was not enough to make a reasonable person feel free to leave, for three reasons." *Id.* at 11a. First, "the officers told Ruiz to 'sit tight' multiple times, belying any prior indication that Ruiz was free to go." *Id.* Second, "the circuitous path" Ruiz took through the police station "drew a labyrinthine exit route with many obstructions to egress." *Id.* "Finally, and most importantly, the police significantly undercut any initial message of freedom when they dramatically changed the interrogation atmosphere" upon Detective Munson's appearance. *Id.* The entry of that second officer—who "shut the door" and "took over as the main, and more aggressive, interrogator"—"completely recast the interrogation, subverting the force and applicability of [the] earlier walk-out-that-door statement." *Id.* at 11a–12a.

The court also highlighted "[o]ther statements the officers said or omitted" that, "along with the character of their questioning, point[ed] toward curtailed freedom of movement." *Id.* at 12a. For example, neither officer told Ruiz that he was not under arrest, and both asked "accusatory" questions. *Id.* Detective Munson even used "deception—saying

that the person who made the accusations had passed a lie-detector test." *Id.* The questioning, the court also noted, was "prolonged"—lasting almost an hour and "past the time [the officers] knew Ruiz was supposed to pick up his daughter." *Id.* at 12a–13a.

"Altogether," the court concluded, "the circumstances surrounding the interrogation add up to a situation in which a reasonable person would not feel free to end the interrogation and leave." *Id.* at 13a.

b. As to whether the "coercive pressures that drove *Miranda*" were present, the court began by noting that "the paradigm example" of an interrogation implicating those "coercive pressures" is one that occurs "at a police station." *Id.* (quoting *United States v. Ellison*, 632 F.3d 727, 729 (1st Cir. 2010)). "The interrogation here," the court emphasized, "was not brief roadside questioning, or interrogation in the 'low atmospheric pressure' of a suspect's typical surroundings." *Id.* at 14a (citation omitted). Instead, "it took place at the station house in an isolated room—removed from Ruiz's friends, family, and familiar environment, and with multiple officers employing various interrogation tactics for almost an hour, trying to convince their suspect to incriminate himself." *Id.* Moreover, the interrogating officers "applied multiple layers of subtly coercive forces," including Detective Munson's later entry, his "aggressive style" and "accusatory questioning," the use of "subterfuge," and the suggestion "that if Ruiz didn't talk . . . they would make things worse for him in the future." *Id.* at 14a–15a. "These types of coercive pressures, applied in a station-house interrogation," the court

determined, "are precisely what induced *Miranda*'s warning requirements." *Id.* at 16a.

c. The Indiana Supreme Court concluded by underscoring that its ruling should not be construed as adopting a bright-line rule. "It is true," the court emphasized, "that a person is not in custody simply because he is questioned at a police station, or because he is an identified suspect, or because he is in a coercive environment." *Id.* Instead, the court emphasized, "custody depends on the totality of the circumstances surrounding the interrogation." *Id.* And, "[i]n this case, the totality of the circumstances, supported by substantial, probative evidence in the record," supported the trial court's suppression ruling. *Id.*

5. This petition followed. In it, the State does not appear to dispute the Indiana Supreme Court's ruling on the second *Miranda* element–*i.e.*, that the "coercive pressures" that drove the decision in *Miranda* were present. It argues, however, that the court erred—and exacerbated a supposed split of authority—in considering "the ordinary security features and layout of [the] police station" in determining that Ruiz's freedom of movement had been restrained. *See* Pet. i.

REASONS FOR DENYING THE PETITION

The question presented is splitless, this case is a poor vehicle, and the decision below is correct. The petition should be denied.

I. THE PURPORTED SPLIT IS ILLUSORY.

Courts agree on the question presented. Every case that the State cites—including this one—takes the location of an interrogation into account as *part* of a "totality of the circumstances" custody analysis. Many of those cases do not involve a police station at all. And while none treats the fact that an interrogation was conducted in a police station (or the features of that police station) as *dispositive*, none treats that fact as irrelevant, either.

A. The State primarily argues that the decision below conflicts with the Seventh Circuit's rulings in *United States v. Patterson*, 826 F.3d 450 (7th Cir. 2016), *United States v. Ambrose*, 668 F.3d 943, 956–57 (7th Cir. 2012), and *United States v. Budd*, 549 F.3d 1140, 1146 (7th Cir. 2008). *See* Pet. 11–13 (arguing that "[t]he decision below creates a conflict between the Indiana Supreme Court and the Seventh Circuit"). Not so.

In *Patterson*, the Seventh Circuit "consider[ed] 'all of the circumstances surrounding [an] interrogation,'" and ultimately held that the defendant had not been in custody. 826 F.3d at 455 (quoting *Howes*, 565 U.S. at 509). As in this case, one of the "[f]actors" the court highlighted as "relevant to the totality of the circumstances analysis" was "the location of the interrogation." *Id.* Unlike here, however, the interrogation did not occur at a police station. Instead, it took place in an FBI

conference room, located on the tenth floor of a publicly accessible office building. *See id.* at 456. In addressing the relevance of that location, the court emphasized that "[t]he fact that the interrogation took place in the FBI office conference room does not *by itself* establish custody." *Id.* (emphasis added). It further stated that "security measures that are universally applied to the public and employees do not *render* a space or interaction custodial." *Id.* at 457 (emphasis added).

There is no conflict between the Seventh Circuit's analysis in *Patterson* and the analysis the Indiana Supreme Court undertook here. As an initial matter, an FBI conference room in an office building and an interrogation room in a police station are not the same thing; that is reason enough not to count *Patterson* as part of a supposed split about the "ordinary security features and layout *of a police station*," Pet. i (emphasis added). Moreover, the Seventh Circuit's treatment of the interrogation's location is consistent with the Indiana Supreme Court's below. Both courts considered the location of the interrogation as relevant to the custody inquiry; neither believed that the location of the interrogation was dispositive.

Similarly, in *Ambrose*, the Seventh Circuit considered "a number of factors that are indicative of whether a person should be considered in custody," and ultimately held that the defendant had not been. 668 F.3d at 956. As part of that analysis, the court noted that the interrogation had taken place in a conference room inside an FBI building. *Id.* And "[o]nce [the defendant] arrived at that locale, he was required to relinquish any weapons, cell phones,

keys, and similar items" as part of a standard security protocol applicable to anyone who entered. *Id.* The court held that the building's security regime was "not *in itself* a basis for a reasonable person to believe that he is not free to leave." *Id.* at 957 (emphasis added). Again, however, the case did not involve a police station. Moreover, the decision below is consistent with the proposition that generally applicable security measures, without more, are not *sufficient* to establish custody.

Finally, in *Budd*, the Seventh Circuit again applied a "totality of the circumstances test," and again found that the defendant had not been in custody. 549 F.3d at 1145 (quoting *United States v. Barker*, 467 F.3d 625, 628–29 (7th Cir. 2006)). Unlike the other Seventh Circuit cases that the State cites, this one did involve a police station. But, unlike in this case, the defendant himself "initiated" contact with the police and then voluntarily participated in a series of interviews at the station. *See id.* Moreover, all the court said about the station was that its security features—*i.e.*, buzzer-based entry into the main lobby and security-card access to the elevator—were not enough to render the interview custodial, "especially in light of the fact that Budd agreed to meet at the police station." *Id.* at 1146.

In each of these cases, the Seventh Circuit (like the Indiana Supreme Court) considered the totality of the circumstances in determining whether the defendant had been in custody. And in each of these cases, the location of the interrogation was relevant to the court's analysis (as it was to the Indiana Supreme Court's analysis). That the "totality of the

circumstances" calculus ultimately yielded a different result in these cases than the Indiana Supreme Court reached here is not a product of divergent views on the question presented. Instead, the outcome of each case turned on a unique combination of relevant facts.

B. Apart from that line of Seventh Circuit authority, the State identifies just other two cases that it claims conflict with the decision below: the Sixth Circuit's decision in *United States v. Elliott*, 876 F.3d 855 (6th Cir. 2017), and the Colorado Supreme Court's decision in *People v. Matheny*, 46 P.3d 453 (Colo. 2002). Again, the State is mistaken. Both cases factored the location of the interrogation into a totality-of-the-circumstances analysis; they simply reached different results on different facts.

In *Elliott*, the Sixth Circuit held that "the totality of the circumstances" showed that the defendant had not been in custody. 876 F.3d at 866. In so doing, the court focused on "four factors" it considered "particularly relevant." *Id.* "[T]he location of the interview" was one of them. *Id.* (quoting *United States v. Panak*, 552 F.3d 462, 465 (6th Cir. 2009)). Yet again, however, that location was *not* a police station; instead, it was an exam room at the defendant's own place of work. The State makes much of the court's passing statement, in discussing that exam room, that "[t]he mere existence of a restricted area in a location does not transform questioning in that location into a custodial situation if the defendant is otherwise free to leave." *Id.* 867. "For example," the court continued, "an individual questioned in a police station is not in custody if free to leave that station." *Id.* But there is nothing

controversial—or inconsistent with the decision below—about the proposition that an interrogation at a police station is not custodial "*if the defendant is otherwise free to leave*." *Id.* (emphasis added).

In *Matheny*, the Colorado Supreme Court considered "[t]he totality of the circumstances" and ultimately held that the defendant had not been in custody. *See* 46 P.3d at 467–68. As part of that analysis, the court considered the location "where the interview took place"—*i.e.*, on the "third or fourth floor of a secure police station." *Id.* at 468; *see also id.* at 467 (noting that "the Colorado Springs Police Station is a secure facility"). The court stated, however, that this fact did "not alter [its] conclusion" that the interrogation was not custodial in light of, among other things, the generally friendly "atmosphere and tone of the interview," the presence of the defendant's mother, and the defendant's familiarity with the officer who interviewed him. *Id.* at 467–68. Again, there is no conflict between that ruling and the decision below.

C. On the flipside, the State points to two cases that, like this one, took police station layout into account in assessing whether an interrogation was custodial: the Tennessee Supreme Court's decision in *State v. Dailey*, 273 S.W.3d 94 (Tenn. 2009), and the Eleventh Circuit's unpublished decision in *Burch v. Sec'y, Fla. Dep't of Corr.*, 535 F. App'x 789 (11th Cir. 2013).

There is nothing remarkable about those rulings. Both courts discussed the location and characteristics of an interrogation room as part of a broader "totality of the circumstances" analysis. *See Dailey*, 273 S.W.3d at 103–04; *Burch*, 535 F. App'x at

793–94. But neither court treated the location of the interrogation as a dispositive—or even the most important—consideration. *See Dailey*, 273 S.W.3d at 104 (concluding that "[t]his full recitation of the totality of the circumstances surrounding the Defendant's initial questioning" supported a custody finding); *Burch*, 535 F. App'x at 793 (explaining that "the following objective facts support the state court's conclusion that Burch was not in custody for *Miranda* purposes"). And, in the end, the two courts reached different results based on different underlying facts and different procedural postures. *Compare Dailey*, 273 S.W.3d at 104 (finding custody on direct review), *with Burch*, 535 F. App'x at 794 (finding that the state court's finding of no custody was not so unreasonable as to justify habeas relief).

* * *

What the State sees as "protracted disagreement" is thus nothing of the sort. Pet. 15. On the governing law, the courts to which the State points are all in agreement: "[T]he location of the questioning" is relevant to—but not dispositive of—a totality-of-the-circumstances determination of custody for purposes of *Miranda*. *Howes*, 565 U.S. at 509.

II. THIS CASE IS A POOR VEHICLE.

Even if the Court were inclined to answer the question presented, this case is not an appropriate vehicle for doing so.

A. First, the question presented did not control the outcome of the Indiana Supreme Court's analysis. In holding that "the record supports the conclusion" that "a reasonable person would not feel

free to end the interrogation and leave," Pet.App.13a, the court examined "the totality of objective circumstances surrounding the interrogation," *id.* at 9a. The court factored in "the location, duration, and character of the questioning; statements made during the questioning; the number of law-enforcement officers present; the extent of police control over the environment; the degree of physical restraint; and how the interview beg[an] and end[ed]." *Id.* at 9a. And at every turn, the court was explicit that its ultimate finding of custody turned on the *combination* of all of those factors:

- "The record includes substantial, probative evidence of circumstances that, *taken altogether*, met both criteria of *Miranda* custody." *Id.* at 8a (emphasis added).
- "The *totality of objective circumstances* surrounding the interrogation would make a reasonable person feel not free to end the questioning and leave." *Id.* at 9a (emphasis added).
- "This freedom-of-movement inquiry requires a court to examine the *totality of objective circumstances* surrounding the interrogation . . . ." *Id.* (emphasis added).
- "*Altogether*, the circumstances surrounding the interrogation *add up* to a situation in which a reasonable person would not feel free to end the interrogation and leave." *Id.* at 13a (emphases added).
- "As custody turns on the *totality of the circumstances*, ..." *Id.* (emphasis added).

- "Because *the totality of objective circumstances* evidenced on this record supports the trial court's conclusion that the interrogation was custodial, we affirm the suppression of Ruiz's statements." *Id.* at 16a (emphasis added).

As part of that "totality of the circumstances" analysis, the court noted that "the circuitous path by which Detective O'Brien took Ruiz into the interrogation room" was one reason why Detective O'Brien's initial statement "that he could walk out 'that door' . . . was not enough to make a reasonable person feel free to leave." *Id.* at 11a. But even in evaluating that walk-out-the-door statement—itself just one aspect of the "totality of the circumstances" analysis—the station layout was *not* the fact the court considered "most important[ ]." *Id.* Instead, the "most important[ ]" consideration on that point was that "the police significantly undercut any initial message of freedom when they dramatically changed the interrogation atmosphere" by introducing Detective Munson. *Id.* Detective Munson, the court emphasized, "entered the interview room; shut the door; and took over as the main, and more aggressive, interrogator." *Id.* "In this way, the police completely recast the interrogation, subverting the force and applicability of Detective O'Brien's earlier walk-out-that-door statement." *Id.* at 11a–12a.

B. In any event, it is not even clear that the facts here implicate the question presented. The State asks this Court to decide whether the "*ordinary* security features and layout of a police station weigh in favor of a determination that the interview was 'custodial.'" Pet. i. (emphasis added).

But the State simply assumes—without explanation—that the "security features and layout" of *this* police station are, in fact, "ordinary." Is an "ordinary" police interrogation room accessible only by traveling through a locked door, through a secure area containing a squad room, up an elevator, up some stairs, and through another (propped open) keyed door? *See* Pet.App.10a. Perhaps. But the Indiana Supreme Court's description of the "labyrinthine" route by which Detective O'Brien led Ruiz to the interrogation room suggests that the Justices on that court saw something they did not consider "ordinary." This Court is in no better position to make that judgment for itself. And the State does not even try to explain how it would go about doing so.

The lack of any ready means for determining which features of a police station are "ordinary" is a good reason to decline to take up the question presented at all. After all, any rule that turns on the "ordinariness" of a police station's layout will invariably embroil courts in disputes about what an "ordinary" police station actually looks like. But if the Court is inclined to take up that question anyway, it should at least do so in a case involving a police station that is indisputably "ordinary."

III. THE DECISION BELOW IS CORRECT.

Finally, the Indiana Supreme Court's ruling is fully in line with this Court's precedents.

As this Court has repeatedly held, "courts must examine '*all* of the circumstances surrounding the interrogation'" in deciding whether an interrogation was custodial. *Howes*, 565 U.S. at 509 (quoting

Stansbury, 511 U.S. at 322) (emphasis added). "Relevant factors," this Court has recognized, "include the location of the questioning." *Id.* That seems hardly controversial: It is hard to imagine how one would go about determining whether an individual is "in custody" without considering his physical surroundings.

To be sure, the State is right "that an interrogation does not become custodial '*simply because* the questioning takes place in the station house.'" Pet. 16 (quoting *California v. Beheler*, 463 U.S. 1121, 1125 (1983)) (emphasis added). But that is *not* the rule the Indiana Supreme Court applied here. *See* Pet.App.16a ("It is true that a person is not in custody simply because he is questioned at a police station[.]") (If it were, it is difficult to imagine the court would have taken sixteen pages to say so.) Instead, the Indiana Supreme Court did exactly what this Court has said it ought to: It considered "the totality of objective circumstances surrounding the interrogation." *Id.* at 9a. "[T]he location of the questioning"—here, an interrogation room located deep inside the station—was relevant to, but not dispositive of, that analysis. *Howes*, 565 U.S. at 509; *see generally* Pet.App. 9a–13a.

CONCLUSION

The petition for certiorari should be denied.

May 18, 2020

Respectfully submitted,

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