

## **02-1684 YARBOROUGH v. ALVARADO**

Ruling below: CA 9, 316 F.3d 841

### QUESTIONS PRESENTED

1. This Court has held that the test to determine if a person is "in custody" to require warnings pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), is an objective test (i.e., whether there is a "formal arrest or restraint on freedom of movement" of the degree associated with a formal arrest). *Thompson v. Keohane*, 516 U.S. 99, 112 (1995) (quoting *California v. Beheler*, 463 U.S. 1121, 1125 (1983)); *Berkemer v. McCarty*, 468 U.S. 420,442 (1984). The question presented is:

Whether, in applying the objective test for a "custody" determination under *Miranda*, a court must consider the age and experience of a person if he or she is a juvenile.

2. Under 28 U.S.C. § 2254(d), a federal court may not grant habeas corpus relief to a state prisoner on a claim adjudicated on its merits in State court unless the adjudication "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established federal law , as determined by the Supreme Court of the United States." In *Williams v. Taylor*, 529 U.S. 362, 408 (2000), this Court explicitly left open how "extension of legal principle" cases should be treated under § 2254(d)(I). The question presented is:

Whether a state court adjudication can be deemed an "objectively unreasonable" application of clearly established Supreme Court precedent, for purposes of § 2254(d), because it declines to "extend" the rule of a Supreme Court precedent to a new context.

CERT. GRANTED: 9/30/03