

No. _____

IN THE

Supreme Court of the United States

TERRANCE PAYNE HAYES,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The questions presented are:

1. Whether Petitioner unambiguously invoked his right to end questioning when, after stating that he was “ready to go” and attempting to leave, he twice told officers, “If I’m not being detained, I would like to go.”
2. Whether, in determining custody under *Miranda*, a court may disregard a hospital patient’s confinement because the police did not cause it, rather than consider that restraint with the other objective circumstances.

PARTIES TO THE CASE

Petitioner Terrance Payne Hayes was the defendant in the district court and the appellant in the court of appeals. Respondent United States of America was the plaintiff in the district court and the appellee in the court of appeals.

RELATED CASES

United States v. Hayes, No. 5:23-cr-04068, Northern District of Iowa
Judgment entered on March 26, 2025.

United States v. Hayes, No. 25-1649, Eighth Circuit Court of Appeals
Opinion filed May 11, 2026.

United States v. Hayes, No. 25-1649, Eighth Circuit Court of Appeals
Order Denying Petition for En Banc Rehearing
Order entered on June 8, 2026.

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OPINIONS AND ORDERS ENTERED BELOW

The opinion of the court of appeals is published and available as *United States v. Hayes*, 174 F.4th 1092 (8th Cir. 2026), and is reproduced at Pet. App. 1–12. The district court’s order adopting the report and recommendation and denying the motion to suppress is reproduced at Pet. App. 13–26. The report and recommendation is reproduced at Pet. App. 27–45. The court of appeals’ order denying panel rehearing and rehearing en banc is reproduced at Pet. App. 46.

JURISDICTIONAL STATEMENT

The judgment of the Eighth Circuit Court of Appeals was entered in this case on May 11, 2026. Pet. App. 1. Petitioner timely sought panel rehearing and rehearing en banc, which the court of appeals denied on June 8, 2026. Pet. App. 46. This petition for a writ of certiorari is timely under Rule 13 of this Court’s Rules. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED IN THE CASE

The Fifth Amendment provides in relevant part: “No person . . . shall be compelled in any criminal case to be a witness against himself.” U.S. Const. amend. V.

STATEMENT OF THE CASE

This case concerns two interrogations in which detectives obtained statements that became the basis of Hayes’s federal firearm prosecution. During the first, detectives questioned Hayes without *Miranda* warnings while he was confined to a hospital bed recovering from surgery. During the second, detectives continued questioning Hayes after he attempted to leave and twice stated, “If I’m not being detained, I would like to go.” Pet. App. 2–4.

1. Detectives Question Hayes in His Hospital Bed Without *Miranda* Warnings

In the early morning hours of July 17, 2023, Sioux City police officers responded to a report that an intruder had broken into Mr. Hayes’s home and stabbed him. Pet. App. 2. Officers found Hayes outside the residence bleeding from multiple stab wounds and found the intruder inside holding a knife. D. Ct. Doc. 43-1, at 2. Both men were

transported to the hospital. *Id.* Hayes was seriously injured and required surgery; the intruder died.

The following afternoon, three detectives entered Hayes's hospital room to question him. Pet. App. 28. Hayes lay in his post-surgery hospital bed, hooked to monitors and tubes. *Id.* The three detectives stood around his bed. *Id.* When they asked how he was feeling, Hayes responded that he did not feel well. *Id.*

The detectives had initiated the encounter, but they did not tell Hayes that he could decline questioning, terminate the interview, or require them to leave. Pet. App. 35. They did not provide *Miranda* warnings. Pet. App. 33, 36.

The interview lasted approximately eighty minutes. Pet. App. 2–3. Hayes initially described the home invasion and stated that he had taken the firearm from the intruder during the struggle. Pet. App. 2–3. Approximately forty minutes into the interview, the detectives told Hayes that the intruder had died. Pet. App. 29. Hayes appeared visibly shaken. *Id.*

The detectives then focused their questioning on the origin of the firearm. Pet. App. 3, 29. One detective told Hayes, “I understand if

you're worried about catching a gun charge, I don't give two shits about that." D. Ct. Doc. 43-1, at 4. The detective said that he believed the firearm had been inside Hayes's house and told Hayes that the officers needed "all the details exactly as it happened." *Id.*

The detectives continued to challenge Hayes's account. D. Ct. Doc. 43-1, at 4–7. They suggested that forensic testing would reveal Hayes's fingerprints on the magazine or ammunition and repeatedly assured him that they were not there to "jam [him] up." *Id.* at 6–7. They told Hayes that they did not care whether the firearm had already been inside the house; they wanted "the facts of the case." *Id.* at 7.

After repeated questioning, Hayes stated that the firearm had been near the television when the intruder entered. Pet. App. 3; D. Ct. Doc. 43-1, at 7. He then stated that another individual had brought it to the house approximately one week before the break-in. Pet. App. 3, 29; D. Ct. Doc. 43-1, at 8.

More than an hour into the interview—and after obtaining that admission—the detectives offered to let Hayes rest. Pet. App. 3, 29. Hayes said that he could continue, and the detectives questioned him for approximately ten more minutes before leaving. *Id.*

2. Detectives Continue Questioning Hayes After He Twice Asks to Leave

On August 11, 2023, Detective Knudsen transported Hayes and his wife from their home to the Sioux City Police Department. Pet. App. 30. The detectives placed them in separate interview rooms. *Id.* Knudsen told Hayes that he still regarded him as the victim and then advised him of his *Miranda* rights. Pet. App. 3, 30; D. Ct. Doc. 43-1, at 8–9. Knudsen explained that he was providing the warnings because they were at the police station and that he did so “for everyone.” D. Ct. Doc. 43-1, at 8. Hayes signed a waiver and agreed to speak with him. Pet. App. 30.

Approximately fifty minutes into the interview, Hayes stated that he had too much going on in his head and was “ready to go.” Gov’t Hr’g Ex. 4.1 at 51:20; Pet. App. 31. He asked to wait in the hallway, stood up, and walked out of the interview room. Pet. App. 31. After approximately ten seconds, the detective directed him back inside. *Id.* Hayes then stated: “That’s why I don’t like coming down here. If I’m not being detained, I would like to go.” *Id.*

Hayes was then left alone in the interview room with the door closed. *Id.* Approximately four minutes later, the detective returned with

another detective. *Id.* The detectives told Hayes that they had additional questions concerning his hospital statements about the firearm. *Id.* Sitzman accused Hayes of lying and warned that the investigation could shift from self-defense to murder. *Id.*

Hayes denied committing murder and again stated: “If I’m not being detained, I’d like to go.” Pet. App. 4, 31. Sitzman responded: “Then we’re going to have to switch gears and I’m just warning you that we’re going to probably turn this into a murder investigation.” *Id.* Sitzman then told Hayes that the intruder was dead and that Hayes was “lying about the murder weapon.” Pet. App. 31–32. This portion of the recorded interrogation begins at 56:06 of Government Exhibit 4.1 and continues through the end of that recording and the first 4:24 of Government Exhibit 4.2. Pet. App. 31 n.5.

Sitzman opened the interview-room door, and Sergeant John Sanders entered. Pet. App. 32. Three officers were now inside the small room. *Id.* Sanders stood between Hayes and the door, Sitzman stood beside him, and Knudsen sat to Hayes’s right. *Id.*

Sanders told Hayes that the detectives had “two cases”—one involving self-defense and one involving murder. D. Ct. Doc. 43-1, at 12.

He warned that if their “main player” was not “100% honest,” the investigation could “only go one way.” *Id.* Sanders also told Hayes that the detectives were not trying to “jam [him] up” and did not care where the firearm came from, but needed to know where it had been inside the house. Pet. App. 32.

After Sanders left, Knudsen and Sitzman continued questioning Hayes about the firearm and how it came into his possession. *Id.* The questioning continued for approximately twenty minutes. Pet. App. 4, 32.

3. The Lower Courts Refuse to Suppress Hayes’s Statements

A federal grand jury charged Hayes with possessing a firearm as a felon, a drug user, and a person convicted of domestic violence, and with possessing a stolen firearm. Pet. App. 4; D. Ct. Doc. 43-1, at 1. The district court had jurisdiction under 18 U.S.C. § 3231.

Hayes moved to suppress the statements obtained during the July 18 hospital interview and the August 11 station-house interview. Pet. App. 4; D. Ct. Docs. 43, 43-1. He argued that the hospital interrogation was custodial and conducted without *Miranda* warnings and that the later statements were obtained after detectives refused to honor his requests

to leave and threatened him with a murder investigation. D. Ct. Doc. 43-1, at 23–28.

The magistrate judge recommended denying the motion. Pet. App. 27–45. She found that the hospital interrogation was noncustodial because Hayes’s immobility resulted from his medical condition rather than restraints imposed by the detectives. Pet. App. 35–36. She also found that the station-house interview became custodial after Hayes attempted to leave, was directed back into the room, and faced increasingly aggressive questioning. Pet. App. 39–40.

The magistrate judge nevertheless recommended finding that Hayes had not clearly invoked his right to terminate questioning. Pet. App. 44–45. Although she stated that “it seems clear that Hayes wanted to cut off questioning,” she considered herself bound by Eighth Circuit precedent to treat his requests to leave as ambiguous. Pet. App. 44. She further concluded that the detectives’ tactics did not overbear Hayes’s will. Pet. App. 37–39.

Both parties objected to portions of the report and recommendation. Pet. App. 16. The district court adopted the recommendation and denied suppression. Pet. App. 13–26. It agreed that the hospital interview was

noncustodial because the detectives had not created the physical restrictions arising from Hayes's hospitalization. Pet. App. 18–20. It also agreed that the station interview became custodial after Hayes attempted to leave and the questioning became increasingly hostile. Pet. App. 20–22. Nevertheless, the court held that Hayes's requests to leave did not clearly invoke his right to remain silent and that the detectives' tactics did not render his statements involuntary. Pet. App. 22–26.

Hayes entered a conditional guilty plea to the prohibited-person count, preserving only his right to appeal the denial of his motion to suppress. R. Doc. 69-1; Pet. App. 5. The district court sentenced him to ninety months' imprisonment. Pet. App. 5.

The Eighth Circuit affirmed. Pet. App. 1–12. As to the hospital interrogation, the court held that its custody analysis concerned only restraints imposed by law enforcement. Pet. App. 8. Because Hayes's immobility resulted from medical exigencies and the detectives imposed no additional restraint, the court concluded that a reasonable person would have felt free to terminate the questioning and require the detectives to leave. *Id.*

As to the station-house interrogation, the Eighth Circuit characterized Hayes’s statements as expressing a “desire to go home,” rather than a desire to terminate questioning. Pet. App. 10. Relying on *United States v. Simpson*, 44 F.4th 1093 (8th Cir. 2022), the court held that Hayes’s detention-conditioned requests were not clear invocations of his right to remain silent. Pet. App. 10–11. The court also held that the detectives’ warnings about a possible murder investigation did not render Hayes’s statements involuntary. Pet. App. 9–10.

The Eighth Circuit denied panel rehearing and rehearing en banc. Pet. App. 46.

REASONS FOR GRANTING THE PETITION

This petition does not ask the Court to reweigh a recorded interview or correct a fact-bound error. The decision below adopts two legal approaches with consequences beyond this case. In deciding invocation, the court removed the express detention condition from Hayes’s request to leave and then relied on answers elicited after the request to confirm that it was ambiguous. Pet. App. 10–11. In deciding custody, the court treated Hayes’s confinement to a hospital bed as outside the *Miranda* inquiry because the detectives did not cause it, relying on a

voluntariness decision to limit the custody analysis. Pet. App. 8. Those approaches cannot be reconciled with this Court’s objective, context-sensitive *Miranda* decisions and warrant review.

1. The Decision Below Conflicts with This Court’s Rules for Determining Whether a Suspect Has Invoked the Right to Silence.

A. Hayes’s Words and Conduct Were Unambiguous When Assessed at the Time of the Request.

Miranda protects a suspect’s “right to cut off questioning.” *Michigan v. Mosley*, 423 U.S. 96, 103 (1975). When that right is invoked, the police must cease the interrogation and “scrupulously honor” the suspect’s decision. *Id.* at 103–04. *Berghuis v. Thompkins* requires an unambiguous invocation and makes the inquiry objective. 560 U.S. 370, 381–82 (2010). Under the standard *Berghuis* adopted from *Davis v. United States*, the question is whether a reasonable police officer in the circumstances would understand the suspect to be invoking the right. 512 U.S. 452, 459 (1994). That standard does not permit a court to isolate a few words from what immediately preceded them. This Court has explained that “[w]here nothing about the request for counsel or the circumstances leading up to the request would render it ambiguous, all

questioning must cease.” *Smith v. Illinois*, 469 U.S. 91, 98 (1984) (per curiam). Although *Smith* involved the right to counsel, *Berghuis* held that there is “no principled reason” to use a different invocation standard for the right to remain silent. 560 U.S. at 381.

Hayes’s words were clear in that setting. After approximately fifty minutes of questioning, he said he was “ready to go,” stood up, and walked out of the interview room. Pet. App. 3, 31. Detective Knudsen directed him back inside. *Id.* Hayes then said: “If I’m not being detained, I would like to go.” *Id.* Several minutes later, after Detective Sitzman accused him of lying, Hayes repeated: “If I’m not being detained, I would like to go.” Pet. App. 4, 31.

The conditional wording did not express uncertainty about what Hayes wanted. It identified detention as the only circumstance in which the officers could prevent him from leaving. In ordinary language, “If I am free to leave, I want to leave” communicates a present decision to end the encounter, not a hope to go home at some later time. The statement was reinforced by Hayes’s preceding words and conduct: he said he was ready to go, stood up, left the room, was ordered back, and then twice made the same detention-conditioned request.

The detectives’ response confirms the statement’s evident meaning. When Hayes repeated the request, the detective responded, “Then we’re going to have to switch gears,” and warned that the officers would “probably turn this into a murder investigation.” Pet. App. 4, 31. The word “Then” connected the threatened change in the investigation directly to Hayes’s request to leave. A reasonable officer would have understood what Hayes was asking because the officers responded to that request by supplying a consequence for ending the interview.

The Eighth Circuit nevertheless recast Hayes’s exact words as statements that he wanted to “go home.” Pet. App. 10. That characterization omitted the decisive clause—“if I’m not being detained”—and the act of leaving the room. The unambiguous-invocation rule does not require a suspect to recite constitutional doctrine. It requires language that a reasonable officer would understand. *Berghuis*, 560 U.S. at 381–82. Hayes supplied that language.

B. The Panel’s Use of Hayes’s Later Answers Conflicts with *Smith* and the Approach of Other Courts of Appeals.

The panel’s reasoning presents a separate legal error. After finding Hayes’s requests ambiguous, it added that “[e]ven if Hayes had

intended to invoke his right to remain silent, he continued talking with detectives for an additional 30 minutes, ‘never clarifying his earlier statement or otherwise unequivocally invoking his right to remain silent.’” *United States v. Hayes*, 174 F.4th 1092, 1101 (8th Cir. 2026); Pet. App. 10–11. That reasoning uses Hayes’s answers to the continued interrogation as evidence that his earlier request was unclear.

Smith forbids that temporal inversion in the right-to-counsel context. It holds that “an accused’s postrequest responses to further interrogation may not be used to cast retrospective doubt on the clarity of the initial request itself.” 469 U.S. at 100. The reason is practical as well as doctrinal: officers may not ignore a request, continue questioning, and then rely on the answers they elicited to show that the suspect never meant the request. *Id.* at 98–100. Because *Berghuis* applies the same invocation standard to the rights to counsel and silence, *Smith*’s restriction should apply here. *See Berghuis*, 560 U.S. at 381; *Smith*, 469 U.S. at 98–100.

Other courts of appeals have applied that rule to invocations of the right to silence. The Fourth Circuit holds that *Smith* and *Berghuis* prohibit courts from using post-request conduct to cast doubt on an

otherwise clear request to remain silent. *United States v. Abdallah*, 911 F.3d 201, 210–11 (4th Cir. 2018). The Ninth Circuit likewise holds that, when an initial request to stop questioning is clear, officers may not create ambiguity by continuing the interrogation and relying on the suspect’s later responses. *Anderson v. Terhune*, 516 F.3d 781, 789–91 (9th Cir. 2008) (en banc). The decision below permits the very method those courts—and *Smith*—forbid.

The disagreement concerns a defined rule of decision, not merely competing views of the facts. Courts disagree about the temporal universe relevant to clarity: whether the analysis ends with the request and the circumstances preceding it, or may include answers obtained after officers continue questioning. Review is warranted to resolve that conflict.

C. The Question Is Recurring and Important.

The invocation rule must guide officers in real time and suspects without legal training. Requests to leave, go home, or end an interview arise in ordinary language, not in phrases drafted by lawyers. The decision below allows a court to remove an express reference to detention, relabel the statement as a general wish to go home, and use

later answers to support that relabeling. That approach leaves no reliable line between an ambiguous expression of impatience and a present demand to end questioning.

This case places that problem in its clearest form. Hayes did not merely mention home. He attempted to leave, was directed back into the room, and twice told the officers that if he was not detained, he wanted to go. Pet. App. 3–4. If those words and actions do not suffice, an ordinary suspect is effectively required to know and recite a legal formula. *Miranda* and *Berghuis* require clarity, not legal sophistication.

2. The Hospital Holding Imports *Connelly's* Voluntariness Rule Into the Distinct *Miranda*-Custody Inquiry.

A. *Connelly* Does Not Permit Courts to Disregard Objective Restraint in Deciding Custody.

Miranda custody asks two questions: what circumstances surrounded the interrogation, and whether a reasonable person in those circumstances would have felt free to terminate the questioning and leave. *Thompson v. Keohane*, 516 U.S. 99, 112 (1995). Courts must consider the totality of the objective circumstances. *Howes v. Fields*, 565 U.S. 499, 509 (2012).

The decision below acknowledged that Hayes was confined to his hospital bed and could not walk out of the interview. Pet. App. 8. But it treated that restraint as outside the custody inquiry because medical exigencies, rather than detectives, caused it. Quoting *Colorado v. Connelly*, the court reasoned that the Fifth Amendment’s “sole concern” is governmental coercion and that its examination therefore “only relates to the restraint imposed by the detectives.” *Id.* (quoting 479 U.S. 157, 170 (1986)).

That reliance on *Connelly* confuses two distinct inquiries. *Connelly* considered whether a confession was involuntary when mental illness, rather than police coercion, caused the confession. 479 U.S. at 163–67. It held that coercive police activity is a necessary predicate to a due-process involuntariness claim. *Id.* at 167. It did not decide what objective circumstances count in determining *Miranda* custody, much less hold that a restraint disappears from the custody analysis unless police created it.

Voluntariness asks whether state coercion overbore a suspect’s will. Custody asks how a reasonable person would experience the objective setting before the interrogation begins and while it proceeds. The source

of a restraint may bear on that assessment, and hospitalization alone does not establish custody. But the source cannot replace the totality inquiry required by *Thompson* and *Howes*. A reasonable patient's ability to terminate questioning is affected by the restraint he actually experiences, whether the restraint began with handcuffs, a locked door, or medical equipment.

Here the objective circumstances extended well beyond hospitalization alone. Hayes had undergone surgery for multiple life-threatening stab wounds. He remained confined to bed and attached to monitors and tubes. Three detectives entered his private hospital room and stood around his bed. They never told him that he could decline questioning, end the interview, or require them to leave. They questioned him for approximately eighty minutes, challenged his account, and pressed him about the firearm until he made the admission used in this prosecution. Pet. App. 2–3, 28–29, 35–36.

The detectives' offer to leave after more than an hour does not answer whether Hayes was in custody when he made the challenged admission. Pet. App. 3, 29. Custody must be assessed when the statement was obtained. The panel's causation rule prevented the

immobility that defined Hayes’s actual setting from receiving weight in that assessment.

B. The Question Recurs, and the Decision Below Creates a Categorical Rule.

Federal courts of appeals repeatedly confront whether police questioning of an injured hospital patient is custodial. *See, e.g., United States v. Infante*, 701 F.3d 386, 396–98 (1st Cir. 2012); *United States v. Jamison*, 509 F.3d 623, 629–33 (4th Cir. 2007); *Stechauner v. Smith*, 852 F.3d 708, 715–16 (7th Cir. 2017); *United States v. New*, 491 F.3d 369, 373–74 (8th Cir. 2007); *United States v. Martin*, 781 F.2d 671, 673–74 (9th Cir. 1986); *United States v. Robertson*, 19 F.3d 1318, 1320–21 (10th Cir. 1994). Those decisions recognize that hospitalization alone does not establish *Miranda* custody. But the frequency with which the issue recurs and the fact-intensive distinctions the courts draw demonstrate the need for guidance concerning how medically imposed restraint enters the totality-of-the-circumstances analysis. The question here is whether a court may categorically disregard a patient’s medical restraint solely because the police did not cause it.

The Eighth Circuit answered yes. Its statement that the custody examination “only relates” to restraints imposed by detectives makes

the source of restraint a threshold limitation, not one fact among many. Pet. App. 8. That rule applies to every interrogation of a hospital patient whose wounds or treatment prevent departure. Review is warranted to confirm that medical restraint must be considered with all other objective circumstances, without making every hospital interview custodial.

3. This Case Is an Ideal Vehicle for Resolving Both Questions.

Both questions were preserved in the suppression proceedings, decided by the district court, presented to the Eighth Circuit, and renewed in a timely petition for panel rehearing and rehearing en banc. Pet. App. 4–5, 13–26, 46. The court of appeals squarely held that the hospital interview was noncustodial and that Hayes did not clearly invoke his right to end the station interview. Pet. App. 8, 10–11.

The relevant facts are undisputed and recorded. The hospital question turns on a defined setting: a post-surgery patient confined to bed, three detectives, no *Miranda* warnings, and an eighty-minute interview. Pet. App. 2–3, 28–29. The invocation question is cleaner still. Custody and the warnings are not disputed, and the exact exchange appears in the recording and the opinion below. Pet. App. 3–4. No

credibility determination stands between the Court and either legal question.

The questions raised are consequential. The hospital interrogation produced the critical admission that the firearm was already in the home, and the station interrogation sought to reinforce that admission after Hayes attempted to leave. Pet. App. 3–4. Hayes entered a conditional guilty plea preserving appellate review of the suppression ruling. Pet. App. 5. A decision on either question would govern further proceedings on that preserved ruling and plea.

Finally, the decision below makes clear that the questions are legal, not merely factual. For the hospital interview, the panel limited its examination to restraint imposed by detectives. Pet. App. 8. For the station interview, it treated the detention-conditioned requests as a desire to go home and relied on Hayes’s subsequent answers. Pet. App. 10–11. This case therefore presents both issues in the precise posture needed to resolve them.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this petition for a writ of certiorari.

Dated this 25th day of August, 2026.

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