

01-1444 CHAVEZ v. MARTINEZ

Ruling below: CA 9, 270 F.3d 852.

QUESTIONS PRESENTED

1. Whether the Ninth Circuit panel correctly characterized the Supreme Court's Fifth Amendment discussion in *United States v. Verdugo-Urquidez*, 494 U.S. 259 (1990), as non-binding dicta and thereby ignored its holding favorable to petitioner.
2. Whether a violation of the Fifth Amendment, potentially resulting in an award of civil damages, occurs at the time of the purported coercive interview or only when and if the state introduces the constitutionally violative statement in a criminal proceeding.
3. Whether the Ninth Circuit panel correctly held that the conduct of this investigating officer was so offensive as to deny him qualified immunity.

CERT. GRANTED: 6/3/02