

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

TYREZE MILLER,

Defendant.

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I.D. No.: 2412011692

Submitted: May 15, 2026

Decided: July 9, 2026

OPINION

Upon Defendant's Motion to Suppress – GRANTED

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Adam D. Windett, Esquire, and Kevin M. Howard, Esquire, Hopkins & Windett, LLC, Dover, Delaware. *Attorneys for Defendant Tyreze Miller.*

GREEN-STREETT, J.

I. Introduction

During a murder investigation, police identified a juvenile as a possible suspect. Police detained the juvenile for questioning, misleading both the juvenile and his mother as to the reason for the questioning. The juvenile now moves to suppress his statements to police predicated upon coercive interview tactics and the juvenile's mental health diagnoses. Based on the totality of the circumstances, the juvenile's waiver of his Miranda rights does not qualify as knowing, intelligent, and voluntary. Accordingly, the Motion to Suppress is **GRANTED**.

II. Factual and Procedural Background¹

A. Dover Police Department's initial investigation

On December 24, 2024, officers from the Dover Police Department ("DPD") responded to Bayhealth Kent campus after receiving a report of a gunshot victim.² Juwan Walker, a 14-year-old boy, suffered a gunshot wound to the head.³ Mr. Walker

¹ The Court only recites those facts material to its decision on Mr. Miller's Motion to Suppress. For a more complete recitation of the factual circumstances of this case, see the Court's decision on Mr. Miller's Motion for Reverse Amenability, D.I. 56, issued contemporaneously to this decision.

² Tr. of March 30, 2026, Hrg. at A-108 (The Court held four days of hearings on Mr. Miller's Motion to Suppress and Motion for Reverse Amenability. Those hearings occurred on March 30 and 31, 2026, and May 4 and 5, 2026. Hereinafter, each transcript will be denoted using an abbreviated date. For example, the March 30, 2026 hearing will be denoted as "Tr. 3/30 at ____").

³ Id. at A-108.

arrived at Bayhealth with his mother, Victoria Sewell, and grandmother, Chiquita Allen.⁴ Mr. Walker later succumbed to his injuries.⁵

During DPD’s investigation, officers identified two juvenile brothers, Marlo Tolliver and Quincy May, as suspects in Mr. Walker’s shooting.⁶ DPD acquired a recording of an Instagram call from Mr. Tolliver’s Instagram account wherein Mr. Tolliver spoke “about being at the shooting and [provided] details of the shooting.”⁷ DPD also obtained surveillance footage of Dover Park near where the shooting occurred, depicting three individuals walking toward the area of the shooting immediately prior – and away from the area of the shooting shortly afterward.⁸

After identifying Mr. Tolliver and Mr. May as potential suspects, DPD executed a search warrant at 23 Stevenson Drive, Dover – the residence where both Mr. Tolliver and Mr. May lived.⁹ During that search on December 28, 2024, DPD detained both Mr. Tolliver and Mr. May, along with several other juveniles present

⁴ Id. at A-108.

⁵ Id. at A-114.

⁶ Id. at A-120.

⁷ Id. at A-121.

⁸ Id. at A-128-29.

⁹ Id. at A-130. The State has not provided any body-worn camera footage of this search.

at the residence.¹⁰ Everyone detained was questioned at DPD.¹¹ Mr. Tolliver, Mr. May, and their older brother, Lamar Suarez, pointed DPD in the direction of a new suspect – Tyreze Miller.¹²

During Mr. May’s questioning, Mr. May informed DPD he intended to visit a friend named Aaliyah Brown the night of the shooting.¹³ Ms. Brown resided at 406 Country Drive, Apartment B (“Country Drive Address”).¹⁴ DPD arrived at that address on December 28, 2024 to contact Ms. Brown and search for any evidence connected to the shooting.¹⁵ The body-worn camera footage of the Country Drive Address search began at 8:46 a.m.¹⁶ During their search of the Country Drive Address, DPD discovered Mr. Miller asleep in Ms. Brown’s room.¹⁷ When DPD awoke Mr. Miller, he provided them with an alias and a birthdate of April 1, 2010.¹⁸ An officer escorted Mr. Miller from the bedroom to the living room, and, after Mr.

¹⁰ Id. at A133.

¹¹ Id.

¹² Id. at A-134-38.

¹³ Id. at A-137.

¹⁴ Id. at A-142.

¹⁵ Id. at A-142; see also State’s Ex. 6-7.

¹⁶ State’s Ex. 6.

¹⁷ See State’s Ex. 6 at 14:40.

¹⁸ State’s Ex. 7 at 12:25.

Miller provided unsatisfactory answers to officers' questions, an officer placed Mr. Miller in handcuffs at 9:07 a.m.¹⁹ Although significant portions of the officers' body-worn camera footage from the search of the Country Drive Address were muted and contain no audio, officers appear to have ascertained Mr. Miller's true identity at some point during that search.²⁰

B. DPD's interrogation of Tyreze Miller

DPD brought Mr. Miller back to the police station for questioning.²¹ As Mr. Miller was 15 years old at the time, DPD contacted his mother, Davida Lopez, for permission to question Mr. Miller.²² The officer that notified Ms. Lopez of Mr. Miller's arrest did not utilize a body-worn camera to record their conversation.²³ At the time of his questioning, DPD knew Mr. Miller had run away from home approximately six weeks prior.²⁴ DPD informed Ms. Lopez that Mr. Miller possessed an active capias.²⁵ Detective Goad, the lead investigator in this case,

¹⁹ Id.

²⁰ Id.; see also Tr. 3/30 at A-146 (Detective Gunner Goad testified that, during the search, Mr. Miller eventually provided his true name.).

²¹ Tr. 3/30 at A-151.

²² Id.

²³ Tr. 5/3 at 108.

²⁴ Id. 5/3 at 40.

²⁵ Id. at 109.

confirmed that Ms. Lopez “was under the belief that her son was going to be questioned about a capias.”²⁶ Detective Goad further testified, “I did not tell her that [Mr. Miller] was there for a murder.”²⁷

Ms. Lopez granted DPD permission to question Mr. Miller about the capias.²⁸ Detective Goad testified that, if Ms. Lopez had not granted her permission, DPD would not have conducted an interview with Mr. Miller.²⁹ Irrespective of any interview with Mr. Miller, DPD would have held Mr. Miller pending resolution of his outstanding capias.³⁰

DPD began recording the interview of Mr. Miller at approximately 10:41 a.m.³¹ Two detectives, Detective Goad and Detective Wood, questioned Mr. Miller.³² Detective Goad informed Mr. Miller of his outstanding capias, and, that, because DPD took Mr. Miller into custody regarding that capias, they were required to read his Miranda rights to him.³³ Detective Goad read Mr. Miller his Miranda

²⁶ Id.

²⁷ Id.

²⁸ Id. at 93.

²⁹ Id.

³⁰ Id. at 94.

³¹ State’s Ex. 9.

³² Id.

³³ Id. at 11:29.

rights, spending about 18 seconds to enumerate all of Mr. Miller's rights.³⁴ When asked whether he understood his Miranda rights, Mr. Miller nodded.³⁵

Detective Goad then asked Mr. Miller if they could talk about his "capias and stuff."³⁶ Mr. Miller nodded, and interrogation commenced. When asked, Mr. Miller explained he did not currently live with his mother, and stated he did not maintain a permanent address.³⁷ Mr. Miller noted his mother recently sent him to Dover Behavioral Health because he kept running away.³⁸

At approximately 10:56 a.m., the DPD detectives asked Mr. Miller about the last time he had been in the Manchester area – the neighborhood in which his mother, Mr. Tolliver, and Mr. May resided. Mr. Miller responded he had not been outside much lately because of safety concerns.³⁹ When asked to elaborate, Mr. Miller appeared confused, and just repeated that the neighborhood was not safe.⁴⁰ Detective Goad informed Mr. Miller that DPD believed Mr. Miller had been in

³⁴ Id.

³⁵ Id.

³⁶ Id. at 12:15.

³⁷ Id. at 12:35.

³⁸ Id.

³⁹ Id. at 15:37.

⁴⁰ Id.

Dover Park on December 24th.⁴¹ Mr. Miller denied being in Dover Park that night, prompting Detective Goad to advise that DPD had an alternate reason for questioning him.⁴² Mr. Miller asked, “aren’t y’all talking to me about my capias?”⁴³ Detective Goad responded they were talking to him “about a lot of stuff.”⁴⁴

Presented with that information, Mr. Miller told Detective Goad, “bro, I’ve got a capias. I don’t want to talk about a bunch of other stuff.”⁴⁵ Without any context about a shooting, Detective Wood then revealed DPD questioned Mr. Tolliver.⁴⁶ Based upon Mr. Tolliver’s statements, DPD wanted to know Mr. Miller’s side of the story.⁴⁷ Mr. Miller, with the assistance of some expletives and disbelief, indicated he had nothing to contribute to Mr. Tolliver’s falsities.⁴⁸ After Detective Wood outlined some of the information DPD had gathered from Mr. Tolliver and surveillance footage, Mr. Miller remarked, “that don’t got nothing to do with me.”⁴⁹

⁴¹ Id. at 20:01.

⁴² Id.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id. at 22:17.

Eventually, Mr. Miller seemed to confirm his presence at Dover Park around the time of the shooting.⁵⁰

Detective Wood ultimately informed Mr. Miller that Mr. Tolliver and Mr. May identified him as the person who shot Juwan Walker.⁵¹ Detective Goad relayed the information DPD gleaned from Mr. Tolliver and Mr. May regarding the plan to lure Mr. Walker to the area and shoot him in the leg, as they believed Mr. Walker would show up on a bike.⁵² When asked how many shots Mr. Miller heard at the time of the incident, he estimated seven shots.⁵³ Mr. Miller then identified another juvenile, Ambition Parker, as the shooter.⁵⁴

Detective Goad told Mr. Miller that a witness identified the shooter as looking like Mr. Miller.⁵⁵ Detective Goad suggested that, if Mr. Walker shot first and Mr. Miller simply returned fire, the interview would be Mr. Miller's one and only chance

⁵⁰ Id. at 23:40.

⁵¹ Id. at 27:40.

⁵² Id.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id. at 32:14.

to explain himself.⁵⁶ Mr. Miller retorted that, “there’s no self-defense law, I can’t do that.”⁵⁷

As the interrogation continued, Mr. Miller remained adamant about having no involvement in the shooting. Detective Goad informed him that whatever story Mr. Miller told DPD would be the story he would have to live with for the rest of his life.⁵⁸ Mr. Miller then inquired if DPD only wanted to know who shot Mr. Walker.⁵⁹ Detective Goad replied that DPD wanted to know everything that Mr. Miller knew.⁶⁰

Detective Goad reiterated that DPD wanted Mr. Miller’s side of the story, and declared that DPD already knew what really happened.⁶¹ Detective Goad again reemphasized that DPD knew the plan involved shooting Mr. Walker in the leg, prompting Mr. Miller to again remark, “there’s no self-defense law, bro.”⁶² At approximately 11:08 a.m., Mr. Miller asked if his mother could come get him.⁶³

⁵⁶ Id.

⁵⁷ Id.

⁵⁸ Id. at 29:12.

⁵⁹ Id.

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

⁶³ Id. at 36:23.

Detective Goad relayed that he spoke to Mr. Miller's mother, and she would be there.⁶⁴ Detective Goad underscored that, because Mr. Miller kept mentioning "no self-defense laws," the detectives knew something happened.⁶⁵ Detective Goad explained a few scenarios wherein self-defense might make a difference in potential consequences for Mr. Miller.⁶⁶

Detective Goad followed up by asking about the original plan to shoot Mr. Walker, and Mr. Miller reiterated the lack of self-defense laws.⁶⁷ When asked to explain his fixation on self-defense laws, Mr. Miller stated that his mom told him he could "only defend [himself] once [he's] in [his] house[,] and [] let off warning shots."⁶⁸ Mr. Miller denied researching self-defense laws for any specific reason.⁶⁹ Detective Goad inquired if Mr. Miller was "just gonna go down without telling [his] side of the story?"⁷⁰ To that, Mr. Miller responded, "I didn't do anything, not wrong

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ Id. at 40:24.

⁶⁹ Id.

⁷⁰ Id. at 47:49.

at least.”⁷¹ When asked what he did right, Mr. Miller reiterated his belief of a lack of self-defense laws in Delaware.⁷²

Detective Goad again tried to explain the necessity of Mr. Miller being truthful about what happened, as multiple people named him as the shooter.⁷³ Mr. Miller responded by again stating his belief about self-defense laws in Delaware.⁷⁴ When directly asked if he shot Mr. Walker because he feared for his life, Mr. Miller again asked for his mother – approximately 15 minutes after his first request.⁷⁵ Detective Goad did not respond to Mr. Miller’s request.⁷⁶ Detective Goad then informed Mr. Miller that part of being an adult involved taking responsibility for your actions, prompting Mr. Miller to once again remark on the lack of self-defense laws.⁷⁷

At 11:40 a.m., after approximately 58 minutes and 55 seconds of being interviewed, the detectives permitted Mr. Miller to take a short break to use the bathroom.⁷⁸ When he returned to the interview room at approximately 11:47 a.m.,

⁷¹ Id.

⁷² Id.

⁷³ Id. at 52:00.

⁷⁴ Id.

⁷⁵ Id.

⁷⁶ Id.

⁷⁷ Id. at 53:40.

⁷⁸ Id. at 58:55.

Mr. Miller asked for his mother a third time.⁷⁹ Detective Goad informed Mr. Miller his mother had not yet arrived.⁸⁰ Detective Goad continued the interview.

Detective Goad again suggested that Mr. Miller only intended to shoot Mr. Walker in the leg, causing Mr. Miller to respond that, “I wasn’t planning on shooting him at all.”⁸¹ Detective Goad continued to try to encourage Mr. Miller to open up about what happened by suggesting that Mr. Miller did not plan or intend to shoot Mr. Walker.⁸² Mr. Miller largely responded with silence, appearing distracted by fiddling with his hair.⁸³ The detectives then left the room. When Detective Wood returned a few minutes later, at approximately 12:03 p.m., Mr. Miller again asked about his mother – for the fourth time.⁸⁴ Shortly thereafter, another officer escorted Ms. Lopez into the interview room.⁸⁵

Once his mother entered the room, Mr. Miller’s only response to the officers’ questioning consisted of denial of any involvement.⁸⁶ After Detective Goad outlined

⁷⁹ Id. at 1:01:45.

⁸⁰ Id.

⁸¹ Id. at 1:03:49.

⁸² Id.

⁸³ Id.

⁸⁴ Id. at 1:17:05.

⁸⁵ Id. at 1:47:01.

⁸⁶ Id. at 1:20:41.

some of the evidence against Mr. Miller, Ms. Lopez inquired about any physical evidence.⁸⁷ The detectives attempted to explain they possessed ample evidence based on witness statements, prompting Ms. Lopez to announce, “investigation over.”⁸⁸ At that time, the substantive portion of the interview ended. Officers left Ms. Lopez and Mr. Miller alone in the interview room.

During their time alone in the interview room, Ms. Lopez informed Mr. Miller she arrived at the police station and officers sent her home.⁸⁹ She stated she returned, and demanded to see her son because, “he is fifteen and is not allowed to be questioned without an adult.”⁹⁰ Mr. Miller asked how long she had been at the station given he had asked for her several times, and Ms. Lopez responded she had been there “for a minute.”⁹¹

⁸⁷ Id.

⁸⁸ Id. at 1:30:08.

⁸⁹ Id. at 1:47:01.

⁹⁰ Id. at 1:47:36.

⁹¹ Id. Based on context, the Court understands Ms. Lopez’s statement to mean she had been at DPD for an extended period of time, not literally for a single minute.

C. Defendant's Motion to Suppress and subsequent hearings

Mr. Miller filed the instant Motion to Suppress on December 19, 2025.⁹² The State filed its Response on March 12, 2026.⁹³ The Court heard evidence regarding Mr. Miller's Motion to Suppress and Motion for Reverse Amenability on March 30 and 31, 2026, and May 4, 2026. The Court heard oral argument on both motions on May 5, 2026.

During the evidentiary portions of the hearings, Mr. Miller and the State both proffered experts to testify about Mr. Miller's cognitive abilities and mental health. Mr. Miller presented Dr. Alex Gould, who conducted a clinical interview with Mr. Miller, as well as an interview with Ms. Lopez.⁹⁴ Dr. Gould's evaluation of Mr. Miller spanned approximately three and a half hours.⁹⁵ Dr. Gould also reviewed various records pertaining to Mr. Miller.⁹⁶

⁹² D.I. 28.

⁹³ D.I. 41.

⁹⁴ Tr. 3/30 at A-16.

⁹⁵ Id. at A-17.

⁹⁶ Id. at A-16-17.

1. Dr. Gould's Expert Opinion

Based on his evaluation of Mr. Miller, Dr. Gould diagnosed Mr. Miller with “conduct disorder, cannabis use disorder, anxiety disorder, and ADHD.”⁹⁷ Dr. Gould opined Mr. Miller’s ADHD diagnosis could impact Mr. Miller’s ability to intake or process information, “particularly when not meaningfully interested in the material being presented.”⁹⁸ Coupled with Mr. Miller’s anxiety disorder, Dr. Gould explained that stressful situations could compound Mr. Miller’s difficulties with paying attention and processing information.⁹⁹ Dr. Gould opined this situational posture could “make it harder for someone like Mr. Miller to fully process complex information in real time.”¹⁰⁰

Dr. Gould also noted Mr. Miller’s educational attendance records “showed real problem[s] with attending with regularity.”¹⁰¹ He described Mr. Miller’s grades as “relatively poor.”¹⁰² Dr. Gould testified a juvenile who struggles with reading comprehension – as Mr. Miller does – often also struggles with understanding ideas

⁹⁷ Id. at A-18.

⁹⁸ Id.

⁹⁹ Id. at A-20.

¹⁰⁰ Id.

¹⁰¹ Id. at A-30.

¹⁰² Id. at A-57.

communicated orally.¹⁰³ Dr. Gould agreed Mr. Miller possesses “basically average intellectual capacity,” and testified that a stressful situation would exacerbate any deficiencies in attention, comprehension, and memory.¹⁰⁴

2. Dr. Fairfax-Columbo’s Expert Opinion

The State proffered the testimony of Dr. Jaymes Fairfax-Columbo, whom the State initially engaged to render an opinion as to Mr. Miller’s competency.¹⁰⁵ Dr. Fairfax-Columbo performed several cognitive tests on Mr. Miller, and concluded Mr. Miller possessed average intelligence relative to similarly-aged peers.¹⁰⁶ Specifically, Dr. Fairfax-Columbo noted Mr. Miller’s abilities fell “generally anywhere between age 13 and 18 in terms of his specific abilities.”¹⁰⁷ He further explained Mr. Miller’s “non-verbal abilities were a little bit stronger than his verbal abilities.”¹⁰⁸

One of the tests utilized by Dr. Fairfax-Columbo, referenced as the RBANS test, measured “a few different neuro domains.”¹⁰⁹ Regarding Mr. Miller’s ability to

¹⁰³ Id. at A-95.

¹⁰⁴ Id. at A-93-94.

¹⁰⁵ Tr. 3/31 at B-10-11.

¹⁰⁶ Id. at B-18-19.

¹⁰⁷ Id. at B-20.

¹⁰⁸ Id.

¹⁰⁹ Id. at B-21.

pay attention, Dr. Fairfax-Columbo opined “he scored an extremely low range there.”¹¹⁰ Mr. Miller’s other abilities rated “low average or average.”¹¹¹ Mr. Miller’s sentence comprehension scored as “essentially grade 11.”¹¹² To assist Mr. Miller in understanding judicial proceedings, Dr. Fairfax-Columbo recommended “more frequent breaks than [] might normally [be taken]. Maybe schedule a little extra time for court proceedings. Make it very clear that notetaking would be good for [him] and checking in with [his] attorneys.”¹¹³ On cross-examination, Dr. Fairfax-Columbo noted Mr. Miller’s combined RBANS scores fell in the eighth percentile.¹¹⁴ Mr. Miller’s attention index score fell below “99.9 percent of his peers.”¹¹⁵

III. Standard of Review

“A juvenile defendant’s confession must receive ‘special scrutiny.’”¹¹⁶ “The State bears the burden of proving the necessary voluntariness, understanding, and

¹¹⁰ Id.

¹¹¹ Id.

¹¹² Id.

¹¹³ Id. at B-45.

¹¹⁴ Id. at B-62.

¹¹⁵ Id. at B-63.

¹¹⁶ Rambo v. State, 939 A.2d 1275, 1278 (Del. 2007) (quoting Smith v. State, 918 A.2d 1144, 1149 (Del. 2007)).

waiver of Miranda rights.”¹¹⁷ The Court must consider “(1) whether the relinquishment of the right was voluntary in the sense that it was the product of free and deliberate choice rather than intimidation, coercion, or deception;” and “(2) whether the waiver was made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.”¹¹⁸

“The second part of the inquiry requires a ‘totality of the circumstances’ standard that evaluates ‘the juvenile’s age, experience, education, background, and intelligence and whether he has the capacity to understand the warnings given to him, the nature of his rights, and the consequences of waiving those rights.’”¹¹⁹ “The lack of guidance from an interested adult certainly is a factor in the ‘totality of the circumstances.’”¹²⁰ The Court also considers if “the juvenile suffers from diminished mental capacity.”¹²¹

¹¹⁷ Id. (citing Colorado v. Connelly, 479 U.S. 157, 169 (1986)).

¹¹⁸ State v. Charles, 2021 WL 4238692, at *1 (Del. Super. Sept. 9, 2021) (internal quotations omitted) (quoting Rambo, 939 A.2d at 1278-79).

¹¹⁹ Rambo, 939 A.2d at 1279 (quoting Smith, 918 A.2d at 1149); see also Fare v. Michael 442 U.S. 707, 725 (1979).

¹²⁰ Smith, 918 A.2d at 1150.

¹²¹ Id.

IV. Analysis

When DPD first encountered Mr. Miller, officers found him asleep in Ms. Brown's bedroom.¹²² From there, officers moved Mr. Miller to the living room before placing him in handcuffs.¹²³ DPD then transported Mr. Miller to the police station, and placed him in a holding cell by himself.¹²⁴ The Court's review of the various video recordings of these interactions reveal Mr. Miller being placed in handcuffs at approximately 9:07 a.m., and his interview beginning at approximately 10:52 a.m.¹²⁵

When Detective Goad read Mr. Miller his Miranda rights, Dr. Goad read through all the rights without pause, spanning 18 seconds to do so, before asking Mr. Miller if he understood.¹²⁶ Mr. Miller responded by nodding.¹²⁷ Shortly thereafter, Mr. Miller informed Detective Goad and Detective Wood that he had recently been admitted to Dover Behavioral Health.¹²⁸

¹²² State's Ex. 6 at 15:01.

¹²³ State's Ex. 7 at 16:09.

¹²⁴ Tr. 5/5 at 3.

¹²⁵ See State's Ex. 9 at 11:15.

¹²⁶ Id.

¹²⁷ Id.

¹²⁸ Id. at 12:58.

The Court's review of Mr. Miller's interview evidences repeated instances of Mr. Miller appearing unable to focus on what the detectives were saying to him.¹²⁹ Mr. Miller inquired about speaking to his mother at least four times.¹³⁰ He also stated, "bro, I've got a capias. I don't want to talk about a bunch of other stuff."¹³¹

Detective Goad testified that DPD will not question a child without notifying, and receiving permission from, a child's parent.¹³² If a parent withheld permission, Detective Goad explained DPD would not interview the child.¹³³ Both Mr. Miller and Ms. Lopez were misled about the reason detectives wanted to question Mr. Miller.¹³⁴

When asked about DPD's policy regarding questioning someone with a mental illness or deficiency, Detective Goad testified, "I've never been in that situation before."¹³⁵ Detective Goad conceded, however, that investigating officers

¹²⁹ See id. at 16:00, 16:53, 22:30, 23:30, 30:00. See also id. at 33:08-38:00 (wherein Mr. Miller appears visibly confused by the questions posed by the detectives).

¹³⁰ Id.

¹³¹ Id. at 20:01.

¹³² Tr. 5/4 at 92.

¹³³ Id. at 93.

¹³⁴ Id. at 109.

¹³⁵ Id. at 95.

would likely modify their standard form of questioning.¹³⁶ Detective Goad also testified that there was no “observable mental illness, or what seemed like competency issues, for any of the juvenile interviews” in which he participated, including Mr. Miller’s.¹³⁷

The Court accepts Detective Goad’s representation that Detective Goad did not observe Mr. Miller displaying any indicia of psychiatric concern. The Court’s review of the interview, however, prevents the Court from accepting the contention that Mr. Miller did not present such indicia. Further, as Mr. Miller informed the detectives he had recently been admitted to Dover Behavioral Health, the detectives were provided with information that should have prompted some consideration of whether Mr. Miller possessed any mental health concerns that could have affected his ability to waive his Miranda rights.

At the time of his police interview, Mr. Miller, a fifteen-year-old boy with severe ADHD – that both expert witnesses agree impacts his comprehension abilities – believed DPD wanted to speak to him about a relatively minor capias. When confronted with DPD’s intention to discuss anything beyond the capias, Mr. Miller stated he did not want to discuss anything else. Despite that statement, detectives never attempted to clarify if Mr. Miller still wished to answer their questions.

¹³⁶ Id.

¹³⁷ Id. at 104.

“Where there is any ambiguity about whether a juvenile defendant has [himself] waived [his] Miranda rights voluntarily and knowingly, the interrogating officer has an obligation to clarify the ambiguity contemporaneously on the record before continuing with the interview.”¹³⁸

The Court must also consider the interrogation tactics utilized by DPD. Mr. Miller initially denied any knowledge or involvement in the shooting, prompting Detective Goad to inform him DPD possessed video surveillance showing Mr. Miller in Dover Park the night of the shooting.¹³⁹ In reality, DPD only possessed the statements of Mr. Tolliver and Mr. May, and a low-quality night video depicting three unidentifiable individuals in Dover Park. After learning of Mr. Tolliver’s statement, Mr. Miller adamantly disagreed with Mr. Tolliver’s version of events.¹⁴⁰ Detectives repeatedly told Mr. Miller they already knew what happened, about his involvement, and about Mr. Miller’s intention to shoot Mr. Walker in the leg.

Detective Goad also suggested Mr. Miller shot Mr. Walker in self-defense, prompting Mr. Miller’s initial statement regarding his understanding of self-defense laws in Delaware.¹⁴¹ Mr. Miller continued to fixate on his understanding of self-

¹³⁸ Rambo, 939 A.2d at 1280.

¹³⁹ State’s Ex. 9 at 20:01.

¹⁴⁰ Id. at 22:30.

¹⁴¹ Id. at 27:40.

defense laws throughout the remainder of the interview. Detective Goad further suggested whatever story Mr. Miller told him at that exact moment would be the story Mr. Miller would be forced to stick with for the rest of his life.¹⁴²

In summary, over the course of approximately three hours, a fifteen-year-old child was woken up, handcuffed, placed in a holding cell, and then interrogated by two detectives who misled him about the reason for their questioning. Despite informing detectives of a recent Dover Behavioral Health stay, and displaying what appears to the Court to be clear signs of mental disorder and distress, detectives did not alter their questioning standards. Mr. Miller did not receive the opportunity to consult with a trusted adult, despite requesting his mother at least four times – and may have been denied that opportunity, at least, in part, because detectives misled his mother about why they wanted to question Mr. Miller.

Both doctors who testified in this matter agree Mr. Miller has severe ADHD. From the Court’s observation – of both the interview and of Mr. Miller during the hearings relevant to this motion – Mr. Miller exhibits clear signs of that severe ADHD. Both doctors also agreed Mr. Miller’s severe ADHD could impact his ability to comprehend. Dr. Gould testified Mr. Miller’s anxiety disorder could exacerbate his ADHD symptoms during a stressful situation. “The pressure of custodial

¹⁴² Id. at 32:15.

interrogation is so immense that it can induce a frighteningly high percentage of people to confess to crimes they never committed. That risk is all the more troubling – and recent studies suggest, all the more acute, when the subject of custodial interrogation is a juvenile.”¹⁴³

The State contends that any flaws in the manner of Mr. Miller’s interrogation can be excused, at least, in part, because the detectives were “in the middle of a homicide investigation.”¹⁴⁴ That argument holds little weight given that detectives took the affirmative step of misleading both Mr. Miller and his mother about the nature of their questions.¹⁴⁵ Further, it took Detective Goad only 18 seconds to read

¹⁴³ J.D.B. v. North Carolina, 564 U.S. 261, 269 (2011) (internal quotations omitted) (quoting Corley v. United States, 556 U.S. 303, 321 (2009)).

¹⁴⁴ Tr. 5/5 at 21.

¹⁴⁵ Under 10 Del. C. § 1004, “A peace officer may take into custody a child the officer believes to be ... delinquent. Any peace officer having taken such a child into custody shall immediately notify the child’s custodian citing the reasons therefor.” It is undisputed in this case that DPD **did not** immediately notify Mr. Miller’s mother of all the reasons for taking Mr. Miller into custody. Based on DPD’s representations during the search of Ms. Brown’s apartment, including stating zero concern about anything illegal in the apartment unrelated to their shooting investigation, see State’s Ex. 6 at 10:22, a credible argument could be made that DPD’s representations to Ms. Lopez were entirely untrue. Further, the State concedes that, when Ms. Lopez arrived at DPD, there was some delay before she was permitted to see Mr. Miller, as well as continued questioning of Mr. Miller during that time. See Tr. 5/5 at 26.

In State v. Robinson, 2023 WL 5092088, at *3 (Del. Super Aug. 8, 2023), this Court noted that the “purpose of the requirement in § 1004 that a juvenile’s custodian be notified of the reasons the juvenile was taken into custody is so that the custodian may make an informed decision about protecting the juvenile’s due process and self-incrimination rights.” On that basis, the statements in Robinson were suppressed because police failed to inform the defendant’s guardian that he was being detained on a violation of probation **and** to be questioned about a more serious crime. By only informing the guardian about the violation of probation, police “deprived [the defendant] of significant rights under § 1004... deprivation of those rights is enough to warrant suppression of

Mr. Miller his Miranda rights. Reading the rights again, clarifying the meaning of the rights, or doing *anything* to ascertain Mr. Miller's understanding of those rights would not have unduly burdened the investigation – particularly given DPD could have held Mr. Miller pending the resolution of his *capias*.

Moreover, although the State produced evidence of Mr. Miller's criminal history, the State produced no evidence that Mr. Miller had ever been read his Miranda rights or been subjected to police interrogation. Some involvement with the criminal justice system, absent a concrete showing that Mr. Miller possessed any prior knowledge of his Miranda rights, does not establish Mr. Miller understood the rights he purportedly waived.

Based on the totality of the circumstances, the Court finds the State has not carried its burden to show Mr. Miller's waiver of his Miranda rights was knowing, voluntary, and intelligent. The Court remains unconvinced that Mr. Miller's alleged

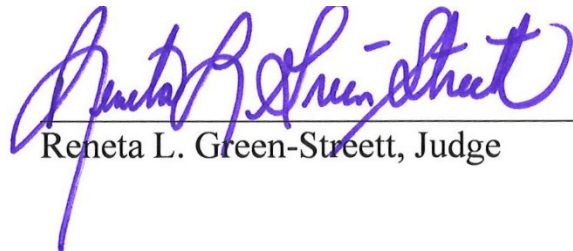
his statement.” The facts in Robinson are strikingly similar to those present in Mr. Miller's case. The defense, however, did not raise any material argument under § 1004, save for a passing reference to it in Mr. Miller's Motion to Suppress to support the contention that “although failure to secure a parental presence does not automatically suppress statements, Delaware courts treat parental absence as a strong factor undermining voluntariness and waiver.” Mot. to Suppress at 8. The conversation between Ms. Lopez and Detective Goad was not recorded, depriving the Court of a full record on the issue. Moreover, Ms. Lopez did not testify about what she was told by DPD about the reason for or the delay between her arrival and her admission into Mr. Miller's interview room. There is also no record regarding Ms. Lopez's statement, captured in the interview room after detectives left but before the video ended, that someone from DPD told her to leave the station when she first arrived. As the Court finds the totality of the circumstances warrant suppression independent of any violation of § 1004, and as Mr. Miller did not raise this argument, the Court does not resolve whether the record currently before it would substantiate a suppression based solely on DPD's possible lack of compliance with § 1004.

waiver did not result from coercion or deception, or that his waiver was made with full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it. Accordingly, his statements to DPD, in their entirety, must be suppressed.

V. Conclusion

Delaware law requires special scrutiny of any child's waiver of his Miranda rights. The State bears the burden of showing any such waiver was made knowingly, voluntarily, and intelligently. The State has not met its burden. Accordingly, Mr. Miller's Motion to Suppress is **GRANTED**.

IT IS SO ORDERED.



Reneta L. Green-Streett, Judge