

07-1356 KANSAS V. VENTRIS

DECISION BELOW: 176 P.3d 920

LOWER COURT CASE NUMBER: 94,002

QUESTION PRESENTED:

Whether a criminal defendant's "voluntary statement obtained in the absence of a knowing and voluntary waiver of the [Sixth Amendment] right to counsel," *Michigan v. Harvey*, 494 U.S. 344, 354 (1990), is admissible for impeachment purposes—a question the Court expressly left open in *Harvey* and which has resulted in a deep and enduring split of authority in the Circuits and state courts of last resort?

CERT. GRANTED 10/1/2008