

04-373 MARYLAND V. BLAKE

DECISION BELOW: 849 A2d 410

LOWER COURT CASE NUMBER: 81, September Term, 2003

QUESTION PRESENTED:

Leeander Blake was arrested on October 26, 2002, and charged with the first degree murder of Straughan Lee Griffin. At the police station, Blake invoked his right to counsel after being advised of his rights pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966). The police immediately ceased questioning and placed Blake in a holding cell. Thirty-five minutes later, Detective William Johns went to Blake's cell, gave him a copy of his arrest warrant and charging papers, and told Blake to read them carefully. Officer Curtis Reese, a patrol officer, walked with Detective Johns to the cell, and, after the paperwork was handed to Blake, said, "I bet you want to talk now, huh." Detective Johns shoved Officer Reese from the room, telling him that Blake had asked for an attorney and they could not talk to him. Approximately 30 minutes later when Detective Johns brought Blake some clothes, Blake asked, "I can still talk to you?" The detective confirmed that Blake wanted to talk to him, readvised him of his *Miranda* rights, and obtained Blake's waiver of his right to counsel. The Court of Appeals of Maryland held that there had been a violation of *Edwards v. Arizona*, 451 U.S. 477 (1981). The question presented is:

When a police officer improperly communicates with a suspect after invocation of the suspect's right to counsel, does *Edwards* permit consideration of curative measures by the police, or other intervening circumstances, to conclude that a suspect later initiated communication with the police?

DISMISSED AS IMPROVIDENTLY GRANTED.

CERT. GRANTED 4/18/2005