

Minnesota Supreme Court Decisions - Highlights from 2013

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Double Jeopardy Interrogation: *Scales* Violation

State v. Castillo-Alvarez, 836 N.W.2d 527

Case #A11-1379

Chief Justice Gildea

Justice Page concurring, joined by Justice Stras

Justice Lillehaug took no part

Filed September 11, 2013

Juan Humberto Castillo-Alvarez was convicted of second-degree murder and kidnapping in connection with a 1997 murder. After the murder, Castillo-Alvarez fled, but in 2004 was located in Mexico and extradited in 2006. While in a Houston airport, an FBI agent and Texas sheriff interrogated Castillo-Alvarez after he had read and signed a waiver of his Miranda rights. In keeping with Texas and Iowa law and FBI policy, the officers did not record the interrogation. In September of 2009, Castillo-Alvarez was convicted of second-degree murder and kidnapping, but the Iowa Court of Appeals reversed the convictions based on a violation of Iowa's speedy trial rule. In February of 2010, Castillo-Alvarez was charged in Minnesota. Castillo-Alvarez moved to dismiss, arguing that Minnesota's Double Jeopardy Clause barred his prosecution, and also moved to suppress his statement to the FBI agent because it had not been recorded.

HELD: First, Minn. Stat. § 609.405, which bars a Minnesota prosecution for an offense that has resulted in conviction or acquittal in another state if the elements of both law and fact are identical, is not applicable. The Iowa proceedings did not result in a "final conviction." Second, the United States Supreme Court has interpreted the Double Jeopardy Clause of the U.S. Constitution to allow successive state prosecutions in *Heath v. Alabama*. The double jeopardy clause in Minnesota's constitution is substantially similar to the federal clause and the interpretation in *Heath* does not "reflect a sharp or radical departure" from previous decisions. "[W]e construe Minn. Const. art. I, § 7, to allow successive state prosecutions when the defendant's act transgresses the law of both states." Third, because the *Scales* rule has both a substantive and procedural purpose, the 'most significant relationship' approach determines whether *Scales* governs out-of-state interrogations. Iowa has the most significant relationship with the interrogation and Iowa law should apply "absent a strong Minnesota public policy." Since "there is no evidence that Minnesota police officers were using out-of-state law enforcement to circumvent the *Scales* requirement," there is "no strong Minnesota policy requiring application of the *Scales* rule."

The court **affirmed** the appellate decision **affirming** the district court.