

del Carmen and Walker: *Briefs of Leading Cases in Law Enforcement*, Tenth Edition

**Apply the Case Law: Jailhouse Informant**

Remington was arrested and jailed on weapons charges relating to a crime committed in Arkansas. Remington was also a suspect in a Mississippi murder case. In an attempt to determine if Remington committed the Mississippi crime, police officers planted a government informant in Remington's jail cell to try to collect evidence about the crime. The informant's agreement specified that he was not to elicit any information about Remington's pending Arkansas charges. The informant struck up a conversation about the murder by asking if Remington had ever killed anyone. Eventually, Remington told the informant about the murder, giving sufficient detail. This information was given to officers working on the case. At about the same time, officers learned from another informant that Remington had hidden the murder weapon at a particular place. Based on that information, officers obtained a search warrant. Officers found the weapon. Remington's fingerprints were found on the weapon, and it was determined to be the murder weapon.

**Questions**

1. Which cases are most applicable to these facts?
2. Did the actions of the jailhouse informant violate Remington's right to counsel?
3. If the jailhouse informant's testimony was inadmissible, was the gun admissible in court?

## Answers

1. Which cases are most applicable to these facts?

- *Edwards v. Arizona* (Chapter 17) to address whether the jailhouse confession of Remington to the informant was constitutional (students will need more information about whether Remington had requested a lawyer).
- *United States v. Henry* (Chapter 21) to address whether the right to counsel was violated when the police intentionally created a situation to elicit incriminating statements.
- *Murray v. United States* (Chapter 2) to address the independent source for obtaining the search warrant.

2. Did the actions of the jailhouse informant violate Remington's right to counsel?

Most likely, especially if Remington had requested an attorney.

3. If the jailhouse informant's testimony was inadmissible, was the gun admissible in court?

Yes, because of the independent source doctrine.