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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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UNITED STATES *v.* PATANE

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 02–1183. Argued December 9, 2003—Decided June 28, 2004

After Officer Fox began to investigate respondent's apparent violation of a temporary restraining order, a federal agent told Fox's colleague, Detective Benner, that respondent, a convicted felon, illegally possessed a pistol. Officer Fox and Detective Benner proceeded to respondent's home, where Fox arrested him for violating the restraining order. Benner attempted to advise respondent of his rights under *Miranda* v. *Arizona,* 384 U. S. 436, but respondent interrupted, asserting that he knew his rights. Benner then asked about the pistol and retrieved and seized it. Respondent was indicted for possession of a firearm by a convicted felon, 18 U. S. C. §922(g)(1). The District Court granted his motion to suppress the pistol, reasoning that the officers lacked probable cause to arrest him, and declining to rule on his alternative argument that the gun should be suppressed as the fruit of an unwarned statement. The Tenth Circuit reversed the probable-cause ruling, but affirmed the suppression order on respondent's alternative theory. Rejecting the Government's argument that *Oregon* v. *Elstad,* 470 U. S. 298, and *Michigan* v. *Tucker,* 417 U. S. 433, foreclosed application of the fruit of the poisonous tree doctrine of *Wong Sun* v. *United States,* 371 U. S. 471, 488, to the present context, the appeals court reasoned that *Oregon* and *Tucker*, which were based on the view that *Miranda* announced a prophylactic rule, were incompatible with *Dickerson* v. *United States,* 530 U. S. 428, 444, in which this Court held that *Miranda* announced a constitutional rule. The appeals court thus equated *Dickerson*'s ruling with the proposition that a failure to warn pursuant to *Miranda* is itself a violation of the suspect's Fifth Amendment rights.

Held: The judgment is reversed, and the case is remanded.

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304 F. 3d 1013, reversed and remanded.

JUSTICE THOMAS, joined by THE CHIEF JUSTICE and JUSTICE SCALIA, concluded that a failure to give a suspect *Miranda* warnings does not require suppression of the physical fruits of the suspect's unwarned but voluntary statements. Pp. 4–12.

(a) The *Miranda* rule is a prophylactic employed to protect against violations of the Self-Incrimination Clause, U. S Const., Amdt. 5. That Clause's core protection is a prohibition on compelling a criminal defendant to testify against himself at trial. See, *e.g., Chavez* v. *Martinez,* 538 U. S. 760, 764–768. It cannot be violated by the introduction of nontestimonial evidence obtained as a result of voluntary statements. See, *e.g., United States* v. *Hubbell,* 530 U. S. 27, 34. The Court has recognized and applied several prophylactic rules designed to protect the core privilege against self-incrimination. For example, the *Miranda* rule creates a presumption of coercion in custodial interrogations, in the absence of specific warnings, that is generally irrebuttable for purposes of the prosecution's case in chief. *E.g.,* 384 U. S., at 467. But because such prophylactic rules necessarily sweep beyond the Self-Incrimination Clause's actual protections, see, *e.g., Withrow* v. *Williams,* 507 U. S. 680, 690–691, any further extension of one of them must be justified by its necessity for the protection of the actual right against compelled self-incrimination, *e.g., Chavez, supra,* at 778. Thus, uncompelled statements taken without *Miranda* warnings can be used to impeach a defendant's testimony at trial, see *Elstad*, *supra*, at 307–308, though the fruits of actually compelled testimony cannot, see *New Jersey* v. *Portash,* 440 U. S. 450, 458–459. A blanket rule requiring suppression of statements noncompliant with the *Miranda* rule could not be justified by reference to the "Fifth Amendment goal of assuring trustworthy evidence" or by any deterrence rationale, *e.g., Elstad*, 470 U. S., at 308, and would therefore fail the Court's requirement that the closest possible fit be maintained between the Self-Incrimination Clause and any rule designed to protect it. Furthermore, the Clause contains its own exclusionary rule that automatically protects those subjected to coercive police interrogations from the use of their involuntary statements (or evidence derived from their statements) in any subsequent criminal trial. *E.g., id.,* at 307–308. This explicit textual protection supports a strong presumption against expanding the *Miranda* rule any further. Cf. *Graham* v. *Connor,* 490 U. S. 386. Finally, nothing in *Dickerson* calls into question the Court's continued insistence on its close-fit requirement. Pp. 5–8.

(b) That a mere failure to give *Miranda* warnings does not, by itself, violate a suspect's constitutional rights or even the *Miranda* rule was evident in many of the Court's pre-*Dickerson* cases, see, *e.g., El-*

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stad, *supra*, at 308, and the Court has adhered to that view since *Dickerson,* see *Chavez, supra, at* 772–773. This follows from the nature of the "fundamental *trial* right" protected by the Self-Incrimination Clause, *e.g., Withrow, supra*, at 691, which the *Miranda* rule, in turn, protects. Thus, the police do not violate a suspect's constitutional rights (or the *Miranda* rule) by negligent or even deliberate failures to provide full *Miranda* warnings. Potential violations occur, if at all, only upon the admission of unwarned statements into evidence. And, at that point, the exclusion of such statements is a complete and sufficient remedy for any perceived *Miranda* violation. *Chavez, supra*, at 790. Unlike actual violations of the Self-Incrimination Clause, there is, with respect to mere failures to warn, nothing to deter and therefore no reason to apply *Wong Sun*'s "fruit of the poisonous tree" doctrine. It is not for this Court to impose its preferred police practices on either federal or state officials. Pp. 8–10.

(c) The Tenth Circuit erred in ruling that the taking of unwarned statements violates a suspect's constitutional rights. *Dickerson*'s characterization of *Miranda* as a constitutional rule does not lessen the need to maintain the close-fit requirement. There is no such fit here. Introduction of the nontestimonial fruit of a voluntary statement, such as respondent's pistol, does not implicate the Clause. It presents no risk that a defendant's coerced statements (however defined) will be used against him at a criminal trial. In any case, the exclusion of unwarned statements is a complete and sufficient remedy for any perceived *Miranda* violation. *E.g., Chavez, supra*, at 790. Similarly, because police cannot violate the Clause by taking unwarned though voluntary statements, an exclusionary rule cannot be justified by reference to a deterrence effect on law enforcement, as the court below believed. The word "witness" in the constitutional text limits the Self-Incrimination Clause's scope to testimonial evidence. *Hubbell, supra,* at 34–35. And although the Court requires the exclusion of the physical fruit of actually coerced statements, statements taken without sufficient *Miranda* warnings are presumed to have been coerced only for certain purposes and then only when necessary to protect the privilege against self-incrimination. This Court declines to extend that presumption further. Pp. 10–12.

JUSTICE KENNEDY, joined by JUSTICE O'CONNOR, concluded that it is unnecessary to decide whether the detective's failure to give Patane full *Miranda* warnings should be characterized as a violation of the *Miranda* rule itself, or whether there is anything to deter so long as the unwarned statements are not later introduced at trial. In *Oregon* v. *Elstad*, 470 U. S. 298, *New York* v. *Quarles*, 467 U. S. 649, and *Harris* v. *New York*, 401 U. S. 222, evidence obtained following unwarned interrogations was held admissible based in large part on the

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Court's recognition that the concerns underlying the *Miranda* v. *Arizona,* 384 U. S. 436, rule must be accommodated to other objectives of the criminal justice system. Here, it is sufficient to note that the Government presents an even stronger case for admitting the evidence obtained as the result of Patane's unwarned statement than was presented in *Elstad* and *Michigan* v. *Tucker*, 417 U. S. 433. Admission of nontestimonial physical fruits (the pistol here) does not run the risk of admitting into trial an accused's coerced incriminating statements against himself. In light of reliable physical evidence's important probative value, it is doubtful that exclusion can be justified by a deterrence rationale sensitive to both law enforcement interests and a suspect's rights during an in-custody interrogation. Pp. 1–2.

THOMAS, J., announced the judgment of the Court and delivered an opinion, in which REHNQUIST, C. J., and SCALIA, J., joined. KENNEDY, J., filed an opinion concurring in the judgment, in which O'CONNOR, J., joined. SOUTER, J., filed a dissenting opinion, in which STEVENS and GINSBURG, JJ., joined. BREYER, J., filed a dissenting opinion.