Syllabus

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

Syllabus

FLORIDA *v.* POWELL

CERTIORARI TO THE SUPREME COURT OF FLORIDA

No. 08–1175. Argued December 7, 2009—Decided February 23, 2010

In a pathmarking decision, *Miranda* v. *Arizona*, 384 U. S. 436, 471, this Court held that an individual must be "clearly informed," prior to custodial questioning, that he has, among other rights, "the right to consult with a lawyer and to have the lawyer with him during interrogation."

After arresting respondent Powell, but before questioning him, Tampa Police read him their standard *Miranda* form, stating, *inter alia*: "You have the right to talk to a lawyer before answering any of our questions" and "[y]ou have the right to use any of these rights at any time you want during this interview." Powell then admitted he owned a handgun found in a police search. He was charged with possession of a weapon by a convicted felon in violation of Florida law. The trial court denied Powell's motion to suppress his inculpatory statements, which was based on the contention that the *Miranda* warnings he received did not adequately convey his right to the presence of an attorney during questioning. Powell was convicted of the gun-possession charge, but the intermediate appellate court held that the trial court should have suppressed the statements. The Florida Supreme Court agreed. It noted that both *Miranda* and the State Constitution require that a suspect be clearly informed of the right to have a lawyer present during questioning. The advice Powell received was misleading, the court believed, because it suggested that he could consult with an attorney only before the police started to question him and did not convey his entitlement to counsel's presence throughout the interrogation.

Held:

1. This Court has jurisdiction to hear this case. Powell contends that jurisdiction is lacking because the Florida Supreme Court relied on the State's Constitution as well as *Miranda,* hence the decision

rested on an adequate and independent state ground. See *Coleman* v. *Thompson*, 501 U. S. 722, 729. Under *Michigan* v. *Long*, 463 U. S. 1032, 1040–1041, however, when a state court decision fairly appears to rest primarily on federal law, or to be interwoven with federal law, and the adequacy and independence of any possible state-law ground is not clear from the face of its opinion, this Court presumes that federal law controlled the state court's decision. Although invoking Florida's Constitution and precedent in addition to this Court's decisions, the Florida court did not expressly assert that state-law sources gave Powell rights distinct from, or broader than, those delineated in *Miranda*. See *Long*, 463 U. S., at 1044. The state-court opinion consistently trained on what *Miranda* demands, rather than on what Florida law independently requires. This Court therefore cannot identify, "from the face of the opinion," a clear statement that the decision rested on a state ground separate from *Miranda*. See *Long*, 463 U. S., at 1041. Because the opinion does not "indicat[e] clearly and expressly that it is alternatively based on bona fide separate, adequate, and independent [state] grounds," *Long,* 463 U. S., at 1041, this Court has jurisdiction. Pp. 4–7.

2. Advice that a suspect has "the right to talk to a lawyer before answering any of [the law enforcement officers'] questions," and that he can invoke this right "at any time . . . during th[e] interview," satisfies *Miranda*. Pp. 7–13.

(a) *Miranda* requires that a suspect "be warned prior to any questioning . . . that he has the right to the presence of an attorney." 384 U. S., at 479. This *Miranda* warning addresses the Court's particular concern that "[t]he circumstances surrounding in-custody interrogation can operate very quickly to overbear the will of one merely made aware of his privilege [to remain silent] by his interrogators." *Id.*, at 469. Responsive to that concern, the Court stated, as "an absolute prerequisite to interrogation," that an individual held for questioning "must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation." *Id.*, at 471. While the warnings prescribed by *Miranda* are invariable, this Court has not dictated the words in which the essential information must be conveyed. See, *e.g., California* v. *Prysock*, 453 U. S. 355, 359. In determining whether police warnings were satisfactory, reviewing courts are not required to "examine [them] as if construing a will or defining the terms of an easement. The inquiry is simply whether the warnings reasonably 'conve[y] to [a suspect] his rights as required by *Miranda*.' " *Duckworth* v. *Eagan*, 492 U. S. 195, 203. Pp. 7–9.

(b) The warnings Powell received satisfy this standard. By informing Powell that he had "the right to talk to a lawyer before an-

Syllabus

swering any of [their] questions," the Tampa officers communicated that he could consult with a lawyer before answering any particular question. And the statement that Powell had "the right to use any of [his] rights at any time [he] want[ed] during th[e] interview" confirmed that he could exercise his right to an attorney while the interrogation was underway. In combination, the two warnings reasonably conveyed the right to have an attorney present, not only at the outset of interrogation, but at all times. To reach the opposite conclusion, *i.e.,* that the attorney would not be present throughout the interrogation, the suspect would have to imagine the counterintuitive and unlikely scenario that, in order to consult counsel, he would be obliged to exit and reenter the interrogation room between each query. Likewise unavailing is the Florida Supreme Court's conclusion that the warning was misleading because the temporal language that Powell could "talk to a lawyer before answering any of [the officers'] questions" suggested he could consult with an attorney only before the interrogation started. In context, the term "before" merely conveyed that Powell's right to an attorney became effective before he answered any questions at all. Nothing in the words used indicated that counsel's presence would be restricted after the questioning commenced. Powell suggests that today's holding will tempt law enforcement agencies to end-run *Miranda* by amending their warnings to introduce ambiguity. But, as the Federal Government explains, it is in law enforcement's own interest to state warnings with maximum clarity in order to reduce the risk that a court will later find the advice inadequate and therefore suppress a suspect's statement. The standard warnings used by the Federal Bureau of Investigation are admirably informative, but the Court declines to declare their precise formulation necessary to meet *Miranda*'s requirements. Different words were used in the advice Powell received, but they communicated the same message. Pp. 9–13.

998 So. 2d 531, reversed and remanded.

GINSBURG, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, THOMAS, ALITO, and SOTOMAYOR, JJ., joined, and in which BREYER, J., joined as to Part II. STEVENS, J., filed a dissenting opinion, in which BREYER, J., joined as to Part II.