

## **NY High Court Rules Police Can Go Too Far in Interrogations, Reverses Convictions**

Two cases decided Thursday by New York's highest court give defendants more ability to say they were bullied by police during interrogations. One local attorney puts into perspective how it might change police interview practices. In the case of Adrian Thomas

a murder conviction was overturned because police lied to the defendant about his 4-month old baby who had died. The other case of Paul Aveni

involved a criminally negligent homicide in which police also misled the defendant regarding his girlfriend, who was also dead. Tully Rinckey

Attorney Don Kelly has defended people who say they gave coerced confessions. He was watching these court rulings to open up dialogue on the issue. "Certainly it's changed the landscape of the entire matter. In the past you really didn't have much of an opportunity to successfully win an argument that police coercion had rendered a confession involuntarily, that it was a false confession."

(This New York Law Journal Article

Details the Cases and the Interrogations)

Kelly says these cases don't set any solid benchmarks, but will influence police interview tactics. "In the past police had pretty much carte-blanche to go ahead and lie to someone in order to coerce a confession. I don't know that there's a bright-line rule, or that you could ever have a bright-line rule, that you can say this and you can't say that. It's going to be one of those types of things where you have to interpret it when it comes along."

Audio and video recordings of interrogations have helped determine when a suspect is influenced past a reasonable level, up to admitting a role in a crime. Kelly says many people don't believe that someone would confess to something they didn't do. But interrogation techniques have shown to be able to break someone down physically and mentally until they do admit to crimes...even when they didn't commit them. The NY Court of Appeals rulings could lead to more recording of interrogations, as well as give defendants a little more standing to argue they were coerced.