

Supreme Court Case Study 60

“Coerced” Confessions

Arizona v. Fulminante, 1991

***** **Background of the Case** *****

After Oreste Fulminante’s 11-year-old stepdaughter Jeneane was murdered in Arizona, he left the state. He was later convicted of an unrelated federal crime and imprisoned in the state of New York. A fellow inmate named Anthony Sarivola was a paid informant of the FBI who befriended Fulminante.

Fulminante was the target of tough treatment from other inmates, who had heard that he was a possible child murderer. Sarivola offered Fulminante protection from other inmates if he would tell him the truth. Fulminante agreed and told Sarivola that he had, indeed, killed his stepdaughter. He provided convincing details of the crime, which he also confessed to Sarivola’s wife after he was released from prison.

On the basis of these confessions, Fulminante was indicted in Arizona for first-degree (capital) murder. Fulminante protested that his Fifth Amendment privilege against self-incrimination and his Fourteenth Amendment due process rights had been violated because his confession to Sarivola had been “coerced.” Therefore he claimed his confession should not be admissible as evidence of his guilt. A 1967 Supreme Court ruling had said that a coerced confession can never be considered “harmless error” and was always grounds for overturning a conviction.

The trial court, however, denied Fulminante’s motion to suppress the confessions and found that both confessions had been voluntary. The state introduced both confessions as evidence at trial, and Fulminante was convicted of murder and sentenced to death. The Arizona Supreme Court, however, reversed Fulminante’s conviction and ordered him to be retried without the use of the first confession, which the court judged to be coerced. Arizona successfully petitioned the United States Supreme Court to review the state supreme court’s ruling.

Constitutional Issue *****

When is a confession of guilt by an accused person considered to be acceptable evidence in a trial? The matter for the Supreme Court to judge was whether in fact Fulminante’s confessions were coerced, depriving Fulminante of his constitutional rights.

***** **The Supreme Court’s Decision** *****

Justice Byron R. White delivered one of the principal opinions of the Court, affirming the judgment of the Arizona Supreme Court. He wrote: “The Arizona Supreme Court ruled in this case that respondent Oreste Fulminante’s confession, received in evidence at his trial for murder, had been coerced and that its use against him was barred by the Fifth and Fourteenth Amendments to the United States Constitution. . . . We affirm the judgment of the Arizona court, although for different reasons than those on which that court relied.”

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Supreme Court Case Study 60 (continued)



Further explaining the Court's decision, Justice White agreed with the Arizona Supreme Court that there was "a credible threat of physical violence unless Fulminante confessed and that was sufficient to support a finding of coercion." White made the point that without the confessions, which relied on one another for their effect on the jury, Fulminante likely could not have been convicted. He noted that the physical evidence at the scene of the crime and other circumstantial evidence would not have been enough to convict Fulminante. White wrote, "The transcript discloses that both the trial court and the State recognized that a successful prosecution depended on the jury believing the two confessions." He concluded: "Because a majority of the Court has determined that Fulminante's confession to Anthony Sarivola was coerced and because a majority has determined that admitting this confession was not harmless beyond a reasonable doubt, we agree with the Arizona Supreme Court's conclusion that Fulminante is entitled to a new trial at which the confession is not admitted. Accordingly the judgment of the Arizona Supreme Court is affirmed."

Justice Anthony Kennedy wrote in a concurring opinion: "In the interests of providing a clear mandate to the Arizona Supreme Court in this capital case, I deem it proper to accept in the case now before us the holding of the five justices that the confession was coerced and inadmissible. I agree with a majority of the Court that admission of the confession could not be harmless error when viewed in light of all the evidence; and so I concur in the judgment to affirm the ruling of the Arizona Supreme Court."

The key point in this case, in spite of the fact that Fulminante did receive a new trial, is that a majority of the justices agreed that a coerced confession is subject to harmless-error analysis—that is, that a coerced confession in itself does not necessarily mean that a decision of guilty must be reversed. This ruling implicitly overruled the 1967 ruling described above. The ruling in the *Fulminante* case set a new precedent: that a coerced confession introduced at trial does not necessarily reverse a conviction.



Questions



DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. What was the ruling of the original trial court? Of the Arizona Supreme Court?
2. What is the meaning of "harmless error"?
3. What was Fulminante's argument to the Supreme Court?
4. What is the difference between the Supreme Court's 1967 ruling on coerced confessions and its ruling in the *Fulminante* case?
5. Do you agree or disagree with the Court's 1967 ruling that presenting a coerced confession at trial is always grounds for overturning a conviction?