

ESCOBEDO CASE

No. 584, 1965 Term  
CALIFORNIA v. STEWART  
Cert to Calif SC

Timely

1. California state court found defendant guilty of robbery and murder of the first degree, and the jury fixed penalty at death. The Calif SC reversed.
2. Direct under 1257(3), with trial pre-Escobedo.
3. Oral confessions to police, after original denial of charges. The police then recorded an interrogation during which the petr admitted to robbery, but denied hitting the deceased on the head; he did say, however, that he could have kicked her after she fell and while he was escaping.
4. Confession introduced by prosecution on case in chief, and earlier denial of charges introduced for impeachment purposes.
5. Transcriptions of first interrogation and later confession introduced without objection, although during the trial the defendant contended he gave the confession involuntarily. (The Calif SC, reversing on other grounds, did not inquire into whether a Jackson v. Denno hearing was held.)

SC treated the question anyway, as trial pre-Escobedo.

6. Petr picked up as suspect of robberies, arrested and then interrogated in police station over period of six days.

7. There is nothing in the record specifically showing whether the defendant was or was not advised of his right to counsel and his right to remain silent. The SC ruled that under these circumstances, the confession is inadmissible.

8. There is no response, but the opinion is clear on the facts.

9. Final judgment rule problem, here, as in No. 417, 1965 Term (California v. Curry). Compare No. 205 Misc.

10. No.

KZ Op Cal SC - petn appx