UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA, Plaintiff, v. RONY METELLUS, Defendant.	)	CR. No. 14-cr-103-M-PAS

ORDER

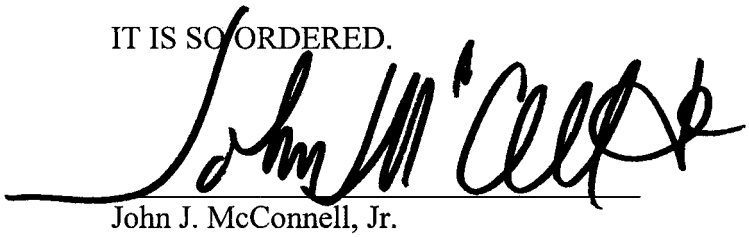
Rony Metellus is charged with arson of a building and wire fraud. (ECF No. 1). He has filed a pre-trial Motion to Suppress statements made during an interview conducted by Investigator Sean Reddy and Officer Steve Vinton at the Providence Police station on July 25, 2014. As the Court has previously ruled on a portion of the Motion, the sole remaining issue is whether Mr. Metellus' statements should be suppressed because of the absence of a *Miranda* warning. (ECF No. 31).

In *Miranda v. Arizona* the U.S. Supreme Court held that "[t]he prosecution may not use statements . . . stemming from *custodial interrogation* of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination." 384 U.S. 436, 444 (1966) (emphasis added). As a result, *Miranda* warnings are required only when a defendant is in custody and interrogated. To determine if a defendant is in custody the Court must conduct a two step inquiry: "first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave." *Thompson v. Keohane*, 516 U.S. 99, 112 (1995).

After hearing testimony on this issue and reviewing the evidence submitted including the circumstances surrounding the interrogation, this Court finds that a reasonable person in Mr. Metellus's position would have felt free to terminate the interrogation and leave. As a result, Mr. Metellus was not in custody and *Miranda* warnings were not required.

Mr. Metellus' Motion to Suppress (ECF No. 31) is DENIED.

IT IS SO ORDERED.



John J. McConnell, Jr.
United States District Judge

June 19, 2015