

NO. 01-1034

Attorney for Appellant.

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STATEMENT OF THE ISSUES 1

ARGUMENT:

I. THE INTENSITY, SCOPE, AND DURATION OF THE SEIZURE OF RODRIGUEZ DID NOT EXCEED THE TROOPER’S REASONABLE SUSPICION UNDER THE FOURTH AMENDMENT. 2

II. RODRIGUEZ’S INCRIMINATING TELEPHONIC STATEMENTS TO THE CHICAGO INS AGENT WERE NOT SOLICITED IN VIOLATION OF *MIRANDA V. ARIZONA*. 3

III.

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<i>Hoonsilapa v. INS</i> , 575 F.2d 735, 738 (9th Cir. 1978)	7
<i>Miranda v. Arizona</i> , 384 U.S. 436 (1966)	3
<i>United States v. \$404,905.00 in U.S. Currency</i> , 182 F.3d 643 (8th Cir. 1999), <i>cert. denied</i> , 120 S. Ct. 1175 (2000)	2
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604 F.2d 908 (5th Cir. 1979), the court held that Miranda warnings need not be given unless the questioning is custodial and sought for the purpose of using it against the person in a criminal proceeding. Here, the Command Center was only determining whether or not the Defendant was legally in the United States. No determination had been made as to a criminal proceeding. Once INS determined a criminal case could be pursued, the Defendant was Mirandized.

III.

