

A-23-0622, State of Nebraska (Appellee) v. Crystal L. Demers (Appellant)

Lancaster County, District Judge Kevin R. McManaman

Attorneys for Appellant: Kristi Egger and David J. Tarrell (Lancaster County Public Defender's Office)

Attorney for Appellee: Michael T. Hilgers & Teryn Blessin (Attorney General's Office)

Criminal Action: First Degree Assault and Child Abuse Causing Serious Bodily Injury

Action taken by Trial Court: Facts: Demers brought a 10-month old baby, who was in her care but was not her biological child, to the emergency room of a Lincoln hospital. The baby was then transported by helicopter to a hospital in Omaha where she received emergency brain surgery as the result of an injury to her head. In the emergency room, Demers agreed to be transported to the police station for an interview. Demers then had contact with several officers and after an hours-long interview, she confessed to slapping the baby and throwing her onto a couch.

Demers was charged with one count of first degree assault and one count of child abuse causing serious bodily injury. Demers filed a motion to suppress any statements made to police during their investigation, alleging that her statements were self-incriminating and not made knowingly, intelligently, or voluntarily, in violation of her constitutional rights. The district court overruled the motion to suppress and found that Demers was not in custody when she made the statements, and that she made the statements voluntarily and freely waived her right to remain silent.

Demers' incriminating statements were admitted at her subsequent stipulated bench trial in the form of officer body camera videos, police station interview room videos, and written transcripts of the interview. Demers was found guilty on both counts.

Assignments of Error on Appeal: Demers assigns that the district court erred in denying her motion to suppress because her statements to police were procured in violation of (1) her right against self-incrimination; and (2) her right to due process

of law. Demers argues that her repeated requests during the interview to go home, go to sleep, and speak with her family constituted requests to cease the interrogation, which were ignored. Demers also argues that her statements should have been suppressed because police interviewed her for multiple hours despite her being sleep-deprived and emotional, kept her against her will by taking her car keys and phone for the duration of the interview, and subjected her to aggressive and intense interrogation tactics.