

Supreme Court of Florida

STATE OF FLORIDA,
Petitioner,

vs.

HOWARD VINCENT DECK,
Respondent.

No. 85,652

[January 29, 1998]

CORRECTED OPINION

PER CURIAM.

We review Deck v. State, 653 So. 2d 435 (Fla. 5th DCA 1995), which expressly and directly conflicts with State v. Owen, 696 So. 2d 715 (Fla. 1997). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

In Owen we held that police in Florida need not ask clarifying questions if a defendant makes only an equivocal or ambiguous request to terminate an interrogation after having validly waived his or her Miranda¹ rights. In a decision which predated Owen, the court below held that an equivocal request to terminate interrogation required the police to either seek clarification or cease the interrogation. Accordingly, we quash the decision below and remand the case for further proceedings.

It is so ordered.

OVERTON, SHAW, HARDING and
WELLS, JJ., and GRIMES, Senior Justice,
concur.

ANSTEAD, J., concurs in result only.
KOGAN, C. J., dissents.

NOT FINAL UNTIL TIME EXPIRES TO
FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

Application for Review of the Decision of the
District Court of Appeal - Constitutional
Construction

Fifth District - Case No. 93-2623

(Brevard County)

Robert A. Butterworth, Attorney General and
Steven J. Guardiano, Assistant Attorney
General, Daytona Beach, Florida,

for Petitioner

Richard G. Canina of Mitchell & Canina, P.A.,
Melbourne, Florida,

for Respondent

¹ Miranda v. Arizona, 384 U.S. 436 (1966).