

**Research Memorandum #77: "Taint"
Cases**

Solong v. Warden, 261 Maj. 417 (20XX-40): "The State must not be permitted to profit from its own misconduct. Accordingly, all products of illegal 4th Amendment activity, whether direct or indirect, tangible or intangible, must be suppressed as the 'fruit of the poisonous tree.' In the case before us, a Petitioner seeks suppression of a confession which followed an arrest which all parties agree was patently illegal. The confession, however, took place several days after defendant's release following her arrest when she voluntarily returned to the police station to talk to Detective Meyers. Under these circumstances, the relationship between the initial illegality and the eventual confession had become so attenuated so as to dissipate the taint. Appeal denied."

Trucker v. Warden, 253 Maj. App. 2d 1017 (20XX-23): "Defendant was arrested without any cause whatsoever and taken to the station for questioning, whereupon a confession followed immediately upon administration of the *Mintz* warnings [which parallel the *Miranda* warnings]. The State confesses the blatant illegality of this 'dragnet arrest,' but contends that the *Mintz* warnings purge the taint of the initial illegality. We disagree. While the *Mintz* warnings may obviate the 5th Amendment concerns the *Mintz* court dealt with, the warnings do not automatically purge the confession before us from the taint of the 4th Amendment violation (i.e., the arrest) we deal with here. See generally *Solong v. Warden*, 261 Maj. 416 (20XX-40). While administration of the *Mintz* warnings is one factor to consider in deciding whether an ensuing confession has been purged of the taint of an illegal arrest, we must also consider (1) the time between arrest and confession; (2) the purpose and flagrancy of the official police misconduct; and (3) the nature of the intervening circumstances from arrest to confession. . . . Considering all these factors in the case before us, we find the taint of the arrest has not been purged, and accordingly order the confession suppressed."