

GALVESTON COUNTY

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## League City couple's arrest raises question about 'Miranda rights'

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The arrests of a well-known developer and his wife in connection with a parking lot collision, and a lawsuit they filed over those, have raised questions about when police must administer the so-called “Miranda warning.”

Although most people know the Miranda warning through its frequent appearance in police TV shows and movies, the brief statement is, as one civil rights group put it, part of the fabric of protections afforded U.S. citizens under the Constitution.

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to an attorney.
- If you cannot afford an attorney, one will be provided for you.

The American Civil Liberties Union also argues, however, protections the Miranda warning once bolstered were undermined by a Supreme Court decision this year.

In June, the U.S. Supreme Court ruled 6-3 in the civil case of Vega v. Tekoh that suspects who don't receive a Miranda warning cannot sue a police officer for damages.

On Sept. 18, Rachael and Randy Hall were arrested in their home in front of their children.

The arrests stemmed from allegations that Rachael Hall left the scene of parking lot collision without providing the other driver with her identification and insurance information.

Rachael Hall asserts she left the scene without providing that information because the other driver admitted fault and repeatedly asked that the police not be notified.

Unbeknownst to Hall and shortly after the collision, the other driver contacted League City police asserting Rachael had fled the scene without providing contact information or proof of insurance, according to lawsuit the couple filed against the city and a police officer.

On the evening of Sept. 2, officer Travis Trochesset knocked on the door of the Hall residence.

“As officer Trochesset was interrogating Ms. Hall and seeking driver’s license information, Ms. Hall then called Mr. Hall about the situation,” according to the lawsuit.

“After speaking with her husband, Ms. Hall then handed the phone to Mr. Hall as Mr. Hall wanted to speak to Officer Trochesset,” according to the lawsuit.

Hall spoke with Trochesset for a few minutes about the investigation he was conducting “and stated he felt his wife and family would be unsafe if officer Trochesset gave a stranger his wife’s address and other driver’s license information,” according to the lawsuit.

On Sept. 18, the Halls were arrested in their home in front of their children. Randy Hall was charged with interfering with official duties.

The Halls complained they never were read the Miranda warning.

But League City police argue they were not obliged to “Mirandize” the Halls.

“They didn’t have to read you your rights,” League City Police Chief Gary Ratliff told Randy Hall during a meeting Sept. 19 recorded by Rachael Hall on her cell phone.

“The only time someone is read their rights is before [the officer] is getting a statement from the [person being arrested] in reference to what took place in the crime or whatever it may be,” Ratliff said. “And if it’s a misdemeanor, nine times out of 10, the person is not going to be questioned about anything.”

And the police chief is correct, according to a law professor.

Police officials are required to read Miranda rights when a person is in police custody and before they start questioning that person, David Kwok, co-director for the Criminal Justice Institute at University of Houston Law Center said.

“There is no law that says that because you have been arrested, you must be read your rights,” Kwok said.

Statements that a person might make before being read the Miranda warning can’t be used in court, however, he said.

The lawsuit asserts the Halls’ rights under the First, Fourth, Fifth and 14th Amendments of the U.S. Constitution were violated during the arrest.

It argues those violations occurred because the Halls were never shown copies of the warrants for their arrest nor informed of their Miranda rights during the arrest or booking into the city jail.

“This really should have been a cause of action for Miranda rights to be read,” Randall Kallinen, the Halls’ attorney said Monday.

Kallinen noted the lawsuit didn’t raise a Miranda complaint, but the police acted unusually by not reciting the warning.

“Most officers would read you your rights,” Kallinen said. “We feel this should be a claim, even though it is not one in the lawsuit against the city.”

The American Civil Liberties Union argues the Vega v. Tekoh ruling, which both it and Cato Institute fought, has undermined the rights of U.S. Citizens.

“By denying people whose rights are violated the ability to seek redress under our country’s most important civil rights statute, the court widens the gap between guarantees found in the Bill of Rights and the people’s ability to hold government officials accountable for violating them,” according to the American Civil Liberties Union.

Miranda rights are mostly beside the point in the lawsuit, Kallinen said.

The big issue is that Randy Hall was jailed for hours on a charge of interfering with official duties that he was alleged to have committed speaking over a telephone call, he said.

Rachael Hall during the conversation with Trochesset handed her phone to him and Randy Hall told Trochesset to leave their property if he didn’t have a warrant.

Randy Hall was charged and arrested for interfering with official duties.

The lawsuit asserts Randy Hall should not have been charged with interfering with official duties because the state statute defining that offense makes clear that speech alone is not sufficient to sustain the charge, according to the lawsuit.

Those charges have since been dropped.

Rachael Hall was charged and arrested for causing an accident with damages to a vehicle of more than \$200, those charges still are being pursued.