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STATE OF WISCONSIN
IN SUPREME COURT

No. 2023AP002102

In the interest of K.R.C., a person under the age of 18:

STATE OF WISCONSIN,

Petitioner-Respondent,

v.

K.R.C.,

Respondent-Appellant-Petitioner.

On Review of a Decision of the Court of Appeals
Affirming the Manitowoc County Circuit Court, the
Honorable Jerilyn M. Dietz, Presiding

NON-PARTY BRIEF OF *AMICI CURIAE* JUVENILE LAW CENTER, UNIVERSITY OF WISCONSIN LAW SCHOOL CRIMINAL DEFENSE & YOUTH ADVOCACY CLINIC, AND 11 WISCONSIN AND NATIONAL CRIMINAL DEFENSE AND YOUTH ADVOCACY ORGANIZATIONS, ATTORNEYS AND ACADEMICS IN SUPPORT OF RESPONDENT-APPELLANT-PETITIONER K.R.C.

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INTEREST OF *AMICI CURIAE*

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential *amicus* briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

The **Criminal Defense & Youth Advocacy Clinic** (CDYA) is a University of Wisconsin Law School clinic that represents people in Wisconsin post-conviction proceedings, many of whom were convicted as children or young adults. CDYA provides law students with the opportunity to develop the substantive knowledge, professional skills, and judgment necessary to excel as attorneys; zealously represents people incarcerated in Wisconsin prisons; and engages in empirical research focused on systemic issues in the criminal legal system. As a legal, academic, and educational institution, CDYA has a strong interest in this case. In particular, CDYA has a strong interest in promoting an equitable criminal legal system and ensuring that the rights of Wisconsin's children are upheld.

The **Children and Family Justice Center** is a comprehensive children's law office that has represented young people in conflict with the

law for over 25 years. In addition to its direct representation of youth and families in matters relating to delinquency and crime, immigration/asylum and fair sentencing practices, the CFJC also collaborates with community members and other advocacy organizations to develop fair and effective strategies for systems reform.

The **Civil Rights Advocacy Clinic at Yale Law School** represents people serving parole-eligible life sentences for crimes committed as children and works with experts in adolescent brain development to reform state parole practices. The clinic has a strong interest in ensuring that the law recognizes the characteristics of youth in all aspects of criminal justice, including interrogations in schools, and the lifetime consequences to children and communities from the failure to do so.

Human Rights for Kids (HRFK) is a non-profit organization dedicated to the promotion and protection of the human rights of children. HRFK combines research and public education, coalition building and grassroots mobilization, as well as policy advocacy and strategic litigation, to advance critical human rights on behalf of children. A central focus of its work is advocating in state and federal legislatures and courts for comprehensive justice reform for children consistent with international human and children's rights norms.

The **National Youth Justice Network** (NYJN) works towards our vision of community-based, healing-centered justice. We envision communities that honor the inherent dignity of all children and families and recognize children as children by responding to trauma, conflict, or risky behavior with care, not criminalization. We recognize children's unique vulnerability during in-school interrogations. Founded in 2005, NYJN leads a membership community of 73 state-based youth advocacy organizations

and numerous individuals across 42 states, as well as a growing cadre of graduates from our Youth Justice Leadership Institute.

Phillips Black, Inc. is a nonprofit organization dedicated to providing the highest quality legal representation to prisoners in the United States sentenced to the severest penalties under law. Phillips Black further contributes to the rule of law by consulting with counsel in habeas corpus litigation, conducting clinical training in law schools, and developing research on the administration of criminal justice. Phillps Black attorneys frequently publish scholarship and teach courses on constitutional law and criminal and post-conviction procedure.

Pinix Law, LLC, is a Wisconsin law firm that primarily serves as defense counsel in criminal appeals throughout the state.

The Gault Center, formerly the National Juvenile Defender Center, was created to promote justice for all children by ensuring excellence in the defense of youth in delinquency proceedings. Through systemic reform efforts, training, and technical assistance, the Gault Center seeks to disrupt the harmful impacts of the legal system on young people, families, and communities; eliminate racial and ethnic disparities; and ensure the constitutional protection of counsel for all young people. The Gault Center (as the National Juvenile Defender Center) has participated as amicus curiae before the United States Supreme Court and federal and state courts across the country.

The **Wisconsin Association of Criminal Defense Lawyers** is an organization composed of criminal defense attorneys practicing in the State of Wisconsin, with a membership of both private and public defender attorneys totaling more than 400 attorneys, and whose members appear regularly before all courts of this State. WACDL, by its charter, is organized

to foster and maintain the integrity of the criminal defense bar, to promote the proper administration of criminal justice, and to uphold the protection of individual rights and due process of law. WACDL and its members, consequently, have an abiding professional and ethical commitment to the requirements of due process.

The **Youth Law Center** (YLC) is a national organization, founded in 1978, that advocates to transform the foster care and juvenile justice systems so that children and youth can thrive. Through legal, legislative, and policy advocacy, YLC works to advance the rights of young people who come into contact with the juvenile justice and child welfare systems and to strengthen the supports available to them so they can transition successfully to adulthood and thrive. YLC has for over 45 years worked to eliminate the harms of youth interaction with the justice system, many of which begin in schools and have long term negative consequences for students.

Gideon Yaffe is the Wesley Newcomb Hohfeld Professor of Jurisprudence, and Professor of Philosophy and Psychology at Yale Law School. He writes extensively about criminal law, including a book, The Age of Culpability (Oxford University Press, 2018), about the proper investigation, adjudication and sentencing of the criminal behavior of children.

BJ Casey, PhD is a Professor of Neuroscience at Barnard College-Columbia University, a member of the Justice Collaboratory of Yale Law School and a member of the National Academy of Sciences. She was one of the first to use functional magnetic resonance imaging to examine the developing human brain and is an expert on the adolescent brain. Her scientific discoveries have been published in 250 scientific articles, cited over

80,000 times and highlighted in U.S. Supreme Court opinions on the sentencing of young offenders.

ARGUMENT

In *Miranda v. Arizona*, the Supreme Court warned that "rights declared in words might be lost in reality." 384 U.S. 436, 443 (1966) (quoting *Weems v. United States*, 217 U.S. 349, 373 (1910)). To safeguard the rights of Wisconsin's children, *Amici* urge this Court to: 1) clarify that the "reasonable child" standard articulated in *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) requires courts to consider each aspect of the interrogation from the perspective of a reasonable child, and 2) recognize that children's unique vulnerability during in-school interrogations warrants a presumption that they are in custody for *Miranda* purposes.[1]

I. TO PRESERVE CHILDREN'S FIFTH AMENDMENT RIGHTS, COURTS MUST EXAMINE EVERY CUSTODY FACTOR FROM A REASONABLE CHILD'S PERSPECTIVE

The Supreme Court has long recognized that children deserve special consideration during interrogations. *See Haley v. Ohio*, 332 U.S. 596, 599 (1948) ("when, as here, a mere child—an easy victim of the law—is before us, special care in scrutinizing the record must be used."); *Gallegos v. Colorado*, 370 U.S. 49, 54 (1962) ("[A 14-year-old] cannot be compared with an adult in full possession of his senses and knowledgeable of the consequences of his admissions."). In *J.D.B.*, the Supreme Court announced a "reasonable child" standard for custodial interrogations, recognizing the

[1] *Amici* address whether Kevin was in custody under *Miranda. Amici* also agree with Kevin and other Amici that Kevin's statements were involuntary.

inherent vulnerabilities of children compared to adults. 564 U.S. at 272-73. Courts must analyze each factor of the custody determination from the perspective of a reasonable child; to do otherwise excludes adolescents from the Fifth Amendment's protections. *See id.* at 265, 281.[2]

A. The Supreme Court in *J.D.B.* Announced a "Reasonable Child" Standard for Custody Determinations in Recognition that Children Are Different from Adults

That children are "different" is a principle that permeates our law. Time and again, the Supreme Court has reminded us of "what any person knows": that youth is marked by particular behaviors, perceptions, and vulnerabilities. *J.D.B.*, 564 U.S. at 272-73 (citing *Roper v. Simmons*, 543 U.S. 551, 569 (2005)); *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982); *accord In re Jerrell C.J.*, 2005 WI 105, ¶26, 283 Wis. 2d 145, 699 N.W.2d 110 (recognizing that "children are different than adults"). "'[O]ur history is replete with laws and judicial recognition' that children cannot be viewed simply as miniature adults." *J.D.B.*, 564 U.S. at 274 (quoting *Eddings*, 455 U.S. at 115-16). Grounding its decisions in common sense and scientific research, the Supreme Court has been clear that "youth matters" for criminal procedure purposes. *See, e.g.*, *Miller v. Alabama*, 567 U.S. 460, 473-74 (2012) (citing *Graham v. Florida*, 560 U.S. 48, 71-74, 76 (2010)); *Roper*, 543 U.S. at 573.

In view of these crucial developmental differences, in *J.D.B.*, the Supreme Court held that the Fifth Amendment custody determination must be based on a "reasonable child" rather than a reasonable adult standard.

[2] Respondent and Appellant disagree about the appropriate custody test. Regardless of which standard is applied, when a child is involved, all circumstances must be viewed from a reasonable child's perspective, which the lower courts here failed to do. *See J.D.B.*, 564 U.S. at 270-71.

564 U.S. at 271-72; *accord State v. Kruckenberg*, 2024 WI App 45, ¶86, 413 Wis. 2d 226, 11 N.W.3d 131 (recognizing that whether a reasonable person in the defendant's position would feel free to leave "must be viewed from the perspective of a reasonable 16-year-old."); Marsha L. Levick & Elizabeth-Ann Tierney, *The United States Supreme Court Adopts a Reasonable Juvenile Standard in J.D.B. v. North Carolina for Purposes of the Miranda Custody Analysis: Can a More Reasoned Justice System for Juveniles Be Far Behind?*, 47 Harv. C.R. C.L. L. Rev. 501, 503 (2012). The Court noted that "[a] child's age is far 'more than a chronological fact,'" as it "generates commonsense conclusions about behavior and perception." *J.D.B.*, 564 U.S. at 272 (first quoting *Eddings*, 455 U.S. at 115, then quoting *Yarborough v. Alvarado*, 541 U.S. 652, 674 (2004) (Breyer, J., dissenting)). The Court continued, "ignor[ing] the very real differences between children and adults [ ] would be to deny children the full scope of the procedural safeguards" granted under *Miranda*. *Id*. at 281.

B. The *J.D.B.* Reasonable Child Standard is Based on Scientific Research Demonstrating that Children Are Particularly Vulnerable During Interrogations

Social and neuroscience research provide critical insights into the nature of youth vulnerability during interrogations. Youths' prefrontal cortexes develop gradually, affecting their ability to make measured decisions, while their more rapidly developing subcortical systems cause a spike in emotional reactivity. B.J. Casey et al., *The Adolescent Brain*, 28 Dev. Rev. 62, 65 (2008). This mismatch in brain development drives the hallmarks of adolescence: impulsivity and vulnerability to outside pressures. *See Miller*, 567 U.S. at 471 (citing *Roper*, 543 U.S. at 569). When explaining the "reasonable child" standard, the Court highlighted that youth are "less

mature and responsible than adults," "possess only an incomplete ability to understand the world around them" and "often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them." *J.D.B.*, 564 U.S. at 272-73 (first quoting *Eddings*, 455 U.S. at 115–16; then citing W. Blackstone, Commentaries on the Laws of England *464–*465; and then quoting *Bellotti v. Baird*, 443 U.S. 622, 635 (1979) (plurality opinion)).

Adolescents generally process information in an "either-or" way, especially under stress. Marty Beyer, *Recognizing the Child in the Delinquent*, 7 Ky. Child Rts. J. 16, 17-18 (Summer 1999). Where adults recognize multiple options, adolescents often only see one. Marty Beyer, *Immaturity, Culpability & Competency in Juveniles: A Study of 17 Cases*, 15 Crim. Just. 27, 27 (Summer 2000) [hereinafter Beyer (2000)]. Their underdeveloped pre-frontal cortex impairs their ability to assess situations or weigh choices, making them especially vulnerable in interrogations. Kristi North, *Recess Is Over: Granting Miranda Rights to Students Interrogated Inside School Walls*, 62 Emory L.J. 441, 464 (2012) [hereinafter North (2012)].

During interrogations, "social expectations of obedience to authority and children's lower social status make them more vulnerable than adults." Barry C. Feld, *Police Interrogation of Juveniles: An Empirical Study of Policy and Practice*, 97 J. Crim. L. & Criminology 219, 230 (2006) (citing Gerald P. Koocher, *Different Lenses: Psycho-Legal Perspectives on Children's Rights*, 16 Nova L. Rev. 711, 716 (1992)). Their eagerness to obey adults' perceived desires contributes to their compliance. *See* Naomi E.S. Goldstein et al., *Waving Good-Bye to Waiver: A Developmental Argument Against Youths' Waiver of* Miranda *Rights*, 21 N.Y.U. J. Legis. & Pub. Pol'y 1, 26-27 (2018). Further, "[y]outh, who are socialized to comply with adult authority figures, are . . .

likely to interpret [questions or suggestions] as orders." Kristin Henning & Rebba Omer, *Vulnerable and Valued: Protecting Youth from the Perils of Custodial Interrogation*, 52 Ariz. St. L.J. 883, 900 (2020) (citing Christine S. Scott-Hayward, *Explaining Juvenile False Confessions: Adolescent Development and Police Interrogation*, 31 L. & Psych. Rev. 53, 62 (2007)). This is true "[e]ven if the law enforcement officer does not ask questions, [as] his presence will likely cause the interrogated student to feel apprehensive and fearful . . . . [and the] officer's mere presence is authoritative and creates an overwhelming power imbalance." North (2012), *supra*, at 44. Adolescents' deference to authority makes them unlikely to feel they can end police questioning, even when told they may do so. *See* Saul M. Kassin et al., *On the General Acceptance of Confessions Research: Opinions of the Scientific Community*, 73 Am. Psych. 63, 64 (2018); Beyer (2000), *supra*, at 27, 29 (because of their immature thought processes, adolescents do not believe they have a choice when talking to the police).

C. A Meaningful "Reasonable Child" Analysis Requires Courts to Review Every Aspect of Custody from a Child's Perspective

The Wisconsin Supreme Court has clarified that "custody" refers to situations that "present a serious danger of coercion." *State v. Halverson,* 2021 WI 7, ¶16, 395 Wis. 2d 385, 953 N.W.2d 847 (quoting *Howes v. Fields*, 565 U.S. 499, 508–09 (2012)). To determine whether a situation presents a serious danger of coercion, courts must consider every aspect of the interrogation from a reasonable child's perspective. Failing to do so disregards research showing children perceive situations differently from adults, effectively treating them as "miniature adults" in defiance of Supreme Court precedent. *J.D.B.,* 564 U.S. at 274. "Neither officers nor

courts can reasonably evaluate the effect of objective circumstances that, by their nature, are specific to children without accounting for the age of the child subjected to those circumstances." *Id.* at 276. To do otherwise would require an evaluation of how "a reasonable adult [would] understand [J.D.B.'s] situation, after being removed from a seventh-grade social studies class by a uniformed school resource officer"—an "absurd[]" analysis. *Id*. at 275-76.

In making a custody determination, courts must therefore consider *every feature and circumstance* from the perspective of a reasonable child. "Rather than age simply being a factor (in the sense that duration of interrogation is *a* factor), we must now consider how a 'reasonable child' would perceive the situation." *People v. N.A.S.*, 2014 CO 65, ¶36, 329 P.3d 285 (Hood, J. concurring) (quoting *J.D.B.*, 564 U.S. at 272).

The lower courts erred by considering Kevin's age as a discrete factor rather than a lens through which to evaluate all aspects of the interrogation. (*See* R.24:37; *State v. K.R.C.*, No. 2023AP2102, unpublished slip op. ¶22 (Oct. 30, 2024)). Although both courts briefly note Kevin's age, they otherwise treat Kevin like an adult, contrary to *J.D.B.*'s mandate. For example, both courts minimized the role of the officer standing in front of the door by emphasizing his lack of involvement in the interrogation, without considering the impact that an armed officer blocking the only exit would have on a 12-year-old or whether a reasonable 12-year-old would believe it was within his power to tell a uniformed police officer to step aside. (*See* R.24:33-34, 36; *K.R.C.*, No. 2023AP2102 ¶¶25-26). Neither court acknowledged or considered that the officer admitted to raising her voice while standing over Kevin during the second interrogation as part of the custody analysis. (*See K.R.C.*, No. 2023AP2102 ¶31-33 (considering only for

voluntariness of Kevin's statements); *see generally* R.24:33-38). Both also dismiss the impact of the officer lying to Kevin as legally permissible, without acknowledging the unique impact that deception has on children during interrogations. (*See* R.24:35; *K.R.C.*, No. 2023AP2102 ¶33). Neither court accounted for children's tendency to obey adults nor how this increases the risk of coercion or impacts a reasonable child's belief that he is free to end police questioning and leave.[3]

Similarly, the courts failed to view the handwritten sign stating "[y]ou are in here voluntarily unless told otherwise" from a reasonable child's perspective. (*See* R.24:35; *K.R.C.*, No. 2023AP2102 ¶23). A reasonable child would not have noticed nor internalized this message while simultaneously being interrogated by law enforcement. *See* Harold Pashler, *Dual-Task Interference in Simple Tasks: Data and Theory*, 116 Psych. Bull. 220 (1994) (reviewing research demonstrating impaired comprehension and performance when mental resources are divided between tasks); Dario D. Salvucci & Niels A. Taatgen, *Threaded Cognition: An Integrated Theory of Concurrent Multitasking*, 115 Psych. Rev. 101, 117-19 (2008) (demonstrating declined performance when brain competes for verbal and auditory resources). Every other aspect of the interrogation implicitly conveyed the opposite message: you must stay here and answer our questions. In *Kruckenberg*, 2024 WI App at ¶87, the court found a 16-year-old was not in custody only after the officer "repeatedly and unambiguously" stated he was not under arrest, did not have to answer questions, and was free to

[3] Kevin likely realized the gravity of the conversation. (*See* Reply Br. at 9-10). However, even if he did not, this underscores the importance of explicitly stating his rights. Children's lack of experience with legal process should never justify providing *fewer* procedural protections.

leave. The defendant also confirmed understanding each time. *Id*. No such advisements or acknowledgments occurred here.

The lower courts failed to analyze these factors from a reasonable 12-year-old's perspective and thus deprived Kevin of *Miranda*'s Fifth Amendment protections.

II. CHILDREN INTERROGATED IN SCHOOLS ARE PRESUMPTIVELY IN CUSTODY GIVEN THEIR INCREASED VULNERABILITY TO ADULT PRESSURE

The Supreme Court has recognized that youth are especially susceptible to authority in school. *See, e.g.*, *Lee v. Weisman*, 505 U.S. 577, 592-93 (1992) (recognizing schools' "subtle coercive pressure" in First Amendment context). Youth's vulnerability to law enforcement pressure is exacerbated during school-based interrogations, where students face restricted movement and heightened pressure to obey.[4] This Court should hold that students interrogated at school are presumptively in custody for *Miranda* purposes.

Schools are highly regimented settings where children's behavior and movement are closely monitored and controlled. In *J.D.B.*, the Court explained that "[a] student—whose presence at school is compulsory and whose disobedience at school is cause for disciplinary action—is in a far different position than, say, a parent volunteer on school grounds." 564 U.S. at 276.

[4] The trial court relied on prison-based cases to downplay school restrictions on student's movement, (R.24:36), ignoring that such adult-focused precedent fails to account for the coercive nature of school interrogations from a reasonable *child's* perspective. Such cases are also readily distinguishable on the facts. *See, e.g.*, *Halverson*, 2021 WI at ¶31 (voluntary phone call initiated by defendant); *Howes*, 565 U.S. at 503 (repeated warnings given that defendant was free to leave).

Schools' educational goals require implementation of "pervasive structure and extensive school rules." Natalie Short, *Mitigating "the Coercive Effect of the Schoolhouse Setting": Adolescents' Miranda Rights and Law Enforcement Interrogations at Schools*, 19 New Crim. L. Rev. 93, 97 (2016). These policies coupled with in-school interrogations create "unique circumstances that are fundamentally 'coercive and custodial in nature.'" Raelynn Chastain, *Miranda in the Modern School: The Blurry Application of a Bright-Line Rule*, 53 Ind. L. Rev. 689, 693 (2020) (quoting Sally Terry Green, *A Presumptive In-Custody Analysis to Police-Conducted School Interrogations*, 40 Am. J. Crim. L. 145, 154 (2013)). Students are typically required to remain in place absent explicit permission to move and required to move at the direction of authority figures. *Id.*; *see also* North (2012), *supra*, at 475-76. Deference to authority is mandated, enforced, and socially conditioned. *See J.D.B.*, 564 U.S. at 276; Marta Laupa & Elliot Turiel, *Children's Concepts of Authority and Social Contexts*, 85 J. Edu. Psych. 191, 191 (1993). Children therefore give "considerable weight" to authority figures within schools and consider "it necessary to obey them" Laupa & Turiel, *supra*, at 192. Consequently, when interrogated at school, a child is especially likely to feel he must stay put and answer an adult's questions.

To protect students in school settings, the Kentucky Supreme Court created a clear rule governing in-school interrogations. *N.C. v. Commonwealth*, 396 S.W.3d 852, 862-65 (Ky. 2013). It held that

> school officials may question freely for school discipline and safety purposes, but any statement obtained may not be used against a student as a basis for a criminal charge when law enforcement is involved or if the principal is working in concert with law enforcement in obtaining incriminating statements, unless the student is given the

> *Miranda* warnings and makes a knowing, voluntary statement after the warnings have been given.

Id. at 865.

A growing number of courts have heavily weighted a student's presence in school toward finding custody. For example, in determining that a 13-year-old student was in custody for *Miranda* purposes, the Indiana Supreme Court declared that "no student feels free to just walk out of the principal's office" and went on to recognize that "'when a private party such as a school initiates an investigation,' an officer's 'pervasive presence' will probably create custody." *B.A. v. State*, 100 N.E.3d 225, 232 (Ind. 2018) (quoting *S.G. v. State*, 956 N.E.2d 668, 678-79 (Ind. Ct. App. 2011)). Similarly, the Ohio Court of Appeals, in finding that a child was in custody when interviewed at school by a law enforcement official, noted that "most children confronted by an adult authority figure asking about an incident at school would not feel free to walk away." *In re L.G.*, 2017-Ohio-2781, ¶16, 82 N.E.3d 52 (Ohio Ct. App.).[5] The New Mexico Supreme Court similarly found that a law enforcement officer's "mere presence" during a school-based interrogation converted the interaction to an "investigatory detention" necessitating *Miranda* warnings pursuant to state statute. *State v. Antonio T.*, 2015-NMSC-019, ¶¶11, 26, 29, 352 P.3d 1172.[6]

Here, the lower courts failed to account for the effect of the school setting. Both courts presumed that Kevin entered the interrogation room voluntarily, ignoring that Kevin was directed to the SRO's office by a school

[5] *Contrast N.A.S.*, 2014 CO at ¶¶2-3, 12-13 (finding N.A.S. not in custody where youth's father and uncle were present during interrogation, youth received *Miranda* warnings, and the purpose of the custody analysis was to determine the necessity of waiver).

[6] Youth may be in custody even when they are interrogated by school officials who are not police officers. *See, e.g.*, *State v. Heirtzler*, 789 A.2d 634, 640-41 (N.H. 2001).

official whom he was required to obey. (*See* R.24:37; *K.R.C.*, No. 2023AP2102 ¶25). The lower courts noted only that students are prohibited from leaving school premises but overlooked students' inability to move freely within school without explicit adult permission. (*See* R.24:36; *K.R.C.*, No. 2023AP2102 ¶23). Neither court considered the uniquely deferential position of children in school nor how this would impact a reasonable twelve-year old's understanding of whether he could refuse to answer a police officer's questions, tell a second officer to step aside, and freely walk out of the room. Recognizing the specific vulnerabilities of children in school settings, courts should consider children interrogated by law enforcement in schools to be presumptively in custody for *Miranda* purposes.

CONCLUSION

For the foregoing reasons, *Amici* respectfully request this Court reverse and remand the orders denying K.R.C.'s suppression motion. *Amici* further request that this Court clarify that the custody analysis be analyzed from the perspective of a "reasonable child," and that children interrogated in school are presumed to be in custody.

Respectfully submitted,

Electronically signed by
Zoe Engberg on behalf of Amici

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Dated: July 8, 2025

FORM AND LENGTH CERTIFICATION

I hereby certify that this brief conforms to the rules contained in Section 809.19(8)(b), (bm) and (c) for a brief produced using a proportional serif font. The length of this brief is 2,998 words.

Electronically signed by:
ZOE ENGBERG
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Dated: July 8, 2025

CERTIFICATE OF E-FILE AND SERVICE

I certify that in compliance with Section 801.18(6), I electronically filed this document with the clerk of court using the Wisconsin Supreme Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Electronically signed by:
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Dated: July 8, 2025