

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JAMES ADAMS WALKER,

Defendant-Appellee.

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UNPUBLISHED

January 7, 2000

No. 217186

Oakland Circuit Court

LC No. 98-162009 FC

Before: Doctoroff, P.J., and Holbrook, Jr. and Kelly, JJ.

MEMORANDUM.

The prosecutor appeals by leave granted from the trial court's order granting defendant's motion to suppress statements he made to the police. We affirm.

The admissibility of a juvenile's confession "depends upon whether, under the totality of the circumstances, the statement was voluntarily made." *People v Givans*, 227 Mich App 113, 120; 575 NW2d 84 (1997). "The test of voluntariness is whether, considering the totality of all the surrounding circumstances, the confession is the product of an essentially free and unconstrained choice by its maker, or whether the accused's will has been overborne and his capacity for self-determination critically impaired." *Id.* at 121. A trial court's findings of fact following a suppression hearing are reviewed for clear error. *Id.* at 122. A review of the record supports the trial court's finding that defendant's statement was involuntary.

Defendant was fifteen years old at the time he was interrogated regarding suspected first-degree criminal sexual conduct involving a five-year-old girl. His parents were not present during questioning. Defendant had no previous contact with the criminal justice system and, apparently, he was unaware of the serious repercussions of the statements he made to the detective conducting the interview. More importantly, defendant had a medical condition that required constant medication and, under certain stress levels, his medication had to be adjusted to maintain a proper chemical balance.

During questioning, defendant stated, "I should tell you I did it just to get you off of my back" and "I did it once." According to the detective, defendant stated that he penetrated the victim with his finger one time. Immediately thereafter, defendant lost consciousness, his eyes rolled back and he

became unresponsive. Paramedics were called and defendant was revived after approximately five minutes of being unresponsive. These facts indicate that defendant's "will ha[d] been overborne and his capacity for self-determination critically impaired." *Id.* at 121. Under these circumstances, the trial court did not clearly err by finding that defendant's confession was not voluntary.

Affirmed.

/s/ Martin M. Doctoroff  
/s/ Donald E. Holbrook, Jr.  
/s/ Michael J. Kelly