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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARISSA SCHUSTER,
Petitioner,
v.
JANEL ESPINOZA,
Respondent.

Case No. 1:12-cv-01482-AWI-SAB-HC
ORDER DIRECTING RESPONDENT TO
LODGE RECORDING OF INTERVIEW

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

In the petition, Petitioner asserts that the statements she made to law enforcement in her July 11–12, 2003 interview were taken in violation of Miranda v. Arizona, 384 U.S. 436 (1966). (ECF No. 4 at 21).¹ Petitioner disputes the state court of appeal’s heavy reliance “on its perception that the tone of the interrogations was ‘polite’” and its conclusion that “there was nothing in the detectives’ questions or demeanor to suggest they suspected Schuster of a crime or that she was no longer free to leave.” (ECF No. 136 at 1–2).

Respondent has lodged a copy of the interview transcript with the Court. Based on the California Court of Appeal’s opinion, it appears that a recording of the interview was part of the state court record. See People v. Schuster, No. F055692, 2011 WL 680211, at *10 n.14 (Cal. Ct.

¹ Page numbers refer to the ECF page numbers stamped at the top of the page.

1 App. Feb. 28, 2011). The Court finds that review of the recording of the interview would assist
2 the Court in this matter.

3 Accordingly, Respondent SHALL LODGE with the Court a copy of the recording of
4 Petitioner's interview within fourteen (14) days of the date of service of this order.

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6 IT IS SO ORDERED.

7 Dated: May 14, 2019


UNITED STATES MAGISTRATE JUDGE

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