

# Petitions Defending Queens DA Interview Program Filed

[Joel Stashenko](#), *New York Law Journal*

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Certiorari petitions have been filed before the U.S. Supreme Court on behalf of the Queens District Attorney's Office in two cases in which the state Court of Appeals ruled that the office's program of interviewing suspects prior to arraignment violated their Miranda rights.

The prosecution argued that the interviews are a valid investigatory tool that can exonerate suspects, not a way to coerce defendants into divulging information under the belief that the D.A.'s office would otherwise not fully investigate their accounts.

The certiorari petitions were filed in *New York v. Lloyd-Douglas* ([See Petition](#)) and *New York v. Dunbar* ([See Petition](#)). They seek reversal of the Court of Appeals' one ruling in the two cases which invalidated the pre-arraignment interviews as rendering the subsequent Miranda warnings "inadequate and ineffective" ([NYLJ, Oct. 29](#)).

The majority in the 6-1 Court of Appeals' decision agreed with the defendants' Appellate Advocates attorneys that the interviews, usually conducted with a police detective present, violated suspects' rights against self-incrimination.

In arguments before the Court of Appeals, prosecutors said some 15,000 suspects had undergone the interviews since they were instituted by Queens prosecutors in 2007.

Attorney Donna Aldea, a partner at Barket, Marion, Epstein & Kearon in Garden City, filed the petitions with the U.S. Supreme Court on behalf of the prosecution. Aldea, a former assistant district attorney in Queens, has continued to argue the cases on appeal pro bono as a special counsel to Queens District Attorney Richard Brown.