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**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

STATE OF UTAH, Plaintiff, v. JASON CHRISTOPHER HALL, Defendant.	ORDER GRANTING MOTION TO SUPPRESS Case No: 221906445 Judge Paul B. Parker
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Having considered the briefing on Defendant Jason Hall's ("**Mr. Hall**") Motion to Suppress ("**Motion**"), and having heard oral argument from both sides, the Motion is hereby GRANTED.

The Court finds:

1. On February 23, 2022, the police were involved in an official investigation regarding threats allegedly made by Mr. Hall. Mr. Hall apparently contacted an attorney, Tyler Ayers, regarding that investigation. The record is unclear what efforts Mr. Ayers took to notify

the Attorney General's Office prior to the execution of a search warrant on Mr. Hall's business. It is clear that Mr. Ayers contacted an agent the day after the search warrant was executed.

2. The prosecutor in this case discussed Mr. Hall's representation with the case agent and instructed the agent that if/when he executed a search warrant, he was not to try to interview Mr. Hall because Mr. Hall had retained an attorney.

After this conversation, the agent discussed the possibility of interviewing Mr. Hall with other officers, and ultimately a different agent decided to interview Mr. Hall.

3. On March 2, 2022, upon executing a search warrant, agents located Mr. Hall, took him to an interview room in the mobile forensic lab parked on scene, and properly advised Mr. Hall of his Miranda rights.

The State and Mr. Hall have agreed that this constituted a custodial interrogation, and given this stipulation, the Court finds that this was a custodial interrogation.

4. Once in custody, the agent advised Mr. Hall of his Miranda rights and asked whether Mr. Hall was willing to answer their questions. He responded, "potentially." The agent did not ask Mr. Hall what he meant by his response, nor did the agent otherwise try to clarify Mr. Hall's equivocal response. The agent told Mr. Hall that the agent did not intend to take him to jail that day.

5. Rather than immediately clarifying the equivocal response, the agent changed the subject, asking if he could obtain some other information. The agent proceeded to inform Mr. Hall that he was the focus of the investigation and advised Mr. Hall that the agents had evidence to show that Mr. Hall was involved. Mr. Hall, himself, asked questions.

6. During this back and forth, the agent told Mr. Hall, “We’re not going to sit here and go back and forth. If you want to talk to us, you can. If you don’t, we have probable cause to book you into jail right now.” It was within this context that Mr. Hall finally agreed to speak with law enforcement.

7. When Mr. Hall gave an equivocal answer, “potentially,” to the question of whether he wanted to speak with agents, the agent was required to cease questioning and clarify whether Mr. Hall was waiving his Miranda rights. *See State v. Wood*, 868 P.2d 70, 85 (Utah 1993); *overruled on other grounds by State v. Menzies*, 889 P.2d 393 (Utah 1994) (stating when a defendant makes an “ambiguous or equivocal request for an attorney . . . questioning with respect to the subject matter of the investigation must immediately stop, and any further questioning must be limited to clarifying the request”).

8. When the agent failed to clarify this request, continued to interrogate Mr. Hall on subjects other than the waiver of rights, and suggested that he could be booked into jail, the agent failed to follow the requirements of Miranda. Therefore, Mr. Hall’s waiver did not comply with Miranda

Because Mr. Hall’s waiver of his Miranda rights was not voluntary, the State shall not be permitted to offer Mr. Hall’s statements into evidence in the State’s case in chief.

9. There was no ethical violation on the part of the prosecutor. The prosecutor did not direct the agent’s interrogation of Mr. Hall and was not present at the interrogation. There is no evidence that the prosecutor had any involvement at all or participated in any fashion in the interrogation. The Motion to Suppress on those grounds is denied.

IT IS HEREBY ORDERED that Mr. Hall's Motion to Suppress is GRANTED. Based on the information provided to the Court, the agent was not permitted to question Mr. Hall because the agent never clarified whether Mr. Hall had equivocally waived his Miranda rights, Mr. Hall's waiver was not voluntary, and thus, Mr. Hall's statements made during this interrogation may not be used by the State.

Executed and entered by the Court as indicated by the date and seal at the top of the first page of this pleading.

APPROVED AS TO FORM:

/s/ Heather Waite Grover
Heather Waite Grover
Attorney for State of Utah

*Electronic Signature Affixed with
Permission via E-mail 1/23/2024.*