

**SUPREME COURT OF LOUISIANA**

**No. 00-K-1158**

**STATE OF LOUISIANA**

**Versus**

**ALLEN MAISE (Sentenced as “Alan Maise”)**

**JOHNSON, J., dissenting**

I dissent from the majority’s holding defendant’s statement to his probation officer was admissible. In my view, defendant’s probation officer should have advised him of his rights under *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966), prior to questioning him about the incident.

The record amply demonstrates defendant had been “deprived of his freedom of action” at the time the incriminating statements were made. Defendant was on probation and undergoing court-ordered individual and group therapy. Defendant’s mother called defendant’s social worker and expressed a concern that he had re-offended. Thereafter, during one of the court-ordered therapy sessions, defendant made some incriminating statements. Subsequently, the social worker called defendant’s probation officer, who proceeded to question defendant about the incident without advising him of his rights under *Miranda*.

For the foregoing reasons, I would reverse defendant’s conviction, vacate his sentence, and order a new trial.