

Based on the arguments presented in the briefs, **Mastella Jackson appears to make the more convincing argument.**

Here's a breakdown of the key arguments and why Ms. Jackson's position is stronger:

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**"But for" Causation and Influence of Illegal Interrogation:** Ms. Jackson argues that the State failed to meet its burden to show the physical evidence would have been discovered "but for" the illegal interrogation<sup>1</sup>. She points out that her incriminating statements were included in the warrant application<sup>2</sup>... and directly led the police to the location of the knife and clothing<sup>2</sup>.... The state did not provide clear testimony about when the decision to seek a warrant was made relative to the illegal interrogation, nor did they prove that the decision was not influenced by her compelled statements<sup>5</sup>.... This undermines the State's claim that the search was a truly independent means of discovery.

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**Actively Pursuing an Alternate Line of Investigation Prior to Misconduct:** Ms. Jackson contends that the police were not actively pursuing an alternate line of investigation *prior* to the unlawful interrogation<sup>10</sup>. The interrogation began hours before the warrant was signed<sup>11</sup>.... The State's argument that the warranted search itself constitutes the alternate line of investigation is weakened by the fact that the probable cause for the warrant and the focus of the search were significantly informed by the information obtained during the illegal interrogation<sup>5</sup>. Citing *United States v. Cherry*, Ms. Jackson's brief emphasizes that the inevitable discovery exception requires the leads making discovery inevitable to be possessed *and actively pursued* by the government at the time of the misconduct<sup>13</sup>.

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**Intentional Constitutional Violation and Deterrence under the Wisconsin Constitution:** A central and compelling argument by Ms. Jackson is that the inevitable discovery doctrine should not apply when the police intentionally violate a citizen's constitutional rights<sup>14</sup>. She relies heavily on *State v. Knapp*, where the Wisconsin Supreme Court held that physical evidence obtained as a direct result of an intentional *Miranda* violation must be suppressed under the Wisconsin Constitution to deter such misconduct<sup>14</sup>.... The trial court in this case found, and the state does not dispute, that the officers intentionally violated Ms. Jackson's *Miranda* rights<sup>20</sup>.... Allowing the inevitable discovery doctrine to apply in such circumstances would, as argued by Ms. Jackson and the circuit court, diminish the seriousness of the police misconduct and encourage similar violations in the future<sup>16</sup>.... While the U.S. Supreme Court in *Nix v. Williams* rejected a bad faith requirement for the inevitable discovery doctrine, Ms. Jackson argues that the Wisconsin Constitution provides greater protection<sup>16</sup>....

The State's argument rests on the validity of the search warrant independent of Ms. Jackson's statements and the assertion that the thorough search pursuant to the warrant would have inevitably led to the discovery of the evidence<sup>28</sup>.... However, Ms. Jackson effectively challenges the "but for" causation by questioning the degree to which her compelled statements influenced the decision to seek the warrant and the focus of the search. Moreover, the conceded intentional violation of her *Miranda* rights presents a significant hurdle for the State, given the precedent set in *State v. Knapp* under the Wisconsin Constitution.

While the Court of Appeals sided with the State, the Wisconsin Supreme Court will need to reconcile the principles of inevitable discovery with the imperative to deter intentional constitutional violations by law enforcement, as articulated in their own precedent. In this context, **Ms. Jackson's arguments regarding the lack of independent causation, the timing of the investigation, and the need to deter intentional misconduct under the state constitution appear more convincing.**