

**SECOND DIVISION
DOYLE, P. J.,
DAVIS and WHITAKER, JJ.**

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October 5, 2026

In the Court of Appeals of Georgia

A26A1547. THE STATE v. WALKER.

DAVIS, Judge.

In this rape prosecution, the State appeals from the trial court's order granting Javon Walker's motion to suppress his statements to the police on the basis that they were obtained in violation of *Miranda v. Arizona*, 384 US 436 (86 SCt 1602, 16 LE2d 694) (1966), and its progeny. The State argues that Walker's statements are admissible because he was not in custody at the time law enforcement questioned him, and thus law enforcement was not required to provide *Miranda* warnings.¹ Upon a thorough review of the record, we agree with the State that Walker was not in custody

¹ We note that Walker has not filed a responsive brief in this appeal.

for *Miranda* purposes and thus reverse the trial court's order suppressing Walker's statements.

In considering an appeal from a trial court's order on a motion to suppress, this Court construes the evidence in favor of the trial court's ruling, and we review de novo the trial court's application of the law to undisputed facts. Additionally, we must defer to the trial court's determination on the credibility of witnesses, and the trial court's ruling on disputed facts must be accepted unless it is clearly erroneous.

State v. Floyd, 306 Ga. App. 402, 402 (702 SE2d 467) (2010). Additionally, "an appellate court generally must limit its consideration of the disputed facts to those expressly found by the trial court." *Hughes v. State*, 296 Ga. 744, 746(1) (770 SE2d 636) (2015). However, "the reviewing court may also consider facts that definitively can be ascertained exclusively by reference to evidence that is uncontradicted and presents no questions of credibility, such as facts indisputably discernible from ... video-recordings." *State v. Rumph*, 307 Ga. 477, 478 (837 SE2d 358) (2019) (quotation marks omitted).

The record shows that a grand jury indicted Walker on one count of rape (OCGA § 16-6-3) against his wife, Tammy Walker. Walker moved to suppress statements that he made to law enforcement during a search of his house, arguing that

he was in custody and that he had not been read his *Miranda* rights at the time he made the statements.

At the hearing on the motion to suppress, the State presented evidence in the form of officer testimony as well as body camera footage. Deputy Zach Eisner with the Centreville Police Department testified that, one day in December 2023, Tammy had come to the police station to report a sexual assault that was “potentially rape.” Four officers came to the Walker residence later that day. The officers came up to the house, and when there was no answer at the front door, they went over to the garage where they found Tammy. Tammy gave them permission to enter the residence, and the officers found Walker in his kitchen. According to the video camera footage, one officer questioned Walker about the incident while Walker was leaning against the kitchen counter, with the officer wearing the body camera next to both of them. Another officer was playing with Walker’s dog near the entrance to the kitchen that led to the front door. During the questioning, it is apparent from the video camera footage that Walker had a clear pathway from the kitchen to the living room, which appeared to lead to a back door and other hallways into other parts of the house. Eventually, Walker admitted that he did not stop when Tammy had told him “No”

to sex, and law enforcement arrested him. The officers did not read Walker his *Miranda* rights at any point during this exchange prior to Walker's arrest.

Following the hearing, the trial court granted the motion to suppress. The trial court concluded that a reasonable person in Walker's situation was in custody for *Miranda* purposes and would not feel free to leave because (1) Walker was "basically" surrounded in his home with officers blocking both exits; (2) the officers in his home were insisting that he respond to them by immediately asking him questions designed to get incriminating responses; and (3) he was immediately arrested after answering the questions. This appeal followed.

It is well settled that *Miranda* warnings are required when a person is interviewed by an investigating officer while in custody. To determine if an individual is in custody for purposes of *Miranda*, courts must inquire into whether that person's freedom of movement was restrained to a degree associated with a formal arrest. This inquiry involves an examination of the circumstances surrounding the questioning to determine whether a reasonable person would have felt at liberty to terminate the interrogation and leave. Whether a suspect is in custody does not depend upon the subjective views harbored by either the interrogating officers or the person being questioned. Instead, the only relevant inquiry is how a reasonable person in the suspect's position would have understood the situation.

Castro-Moran v. State, 356 Ga. App. 248, 253-54(2) (845 SE2d 708) (2020) (quotation marks omitted). Georgia case law has clarified that the phrase “terminate the interrogation and leave” does not necessarily mean leave any particular building or facility but rather whether “a reasonable person in [the defendant’s] circumstances would have felt free to leave *the interview*.” *Gravitt v. State*, 322 Ga. 831, 840(2)(b) (922 SE2d 392) (2025) (emphasis in original).

Here, we conclude that, based on the undisputed facts as shown in the video camera footage, Walker was not “in custody” when he was questioned by the law enforcement officers here. In particular, we find the Georgia Supreme Court’s decision in *Bailey v. State*, 301 Ga. 476, 479-80(III) (801 SE2d 813) (2017), to be directly on point and controlling of the outcome in this case. In *Bailey*, law enforcement obtained a search warrant for Bailey’s apartment in connection with an investigation into the murders of Bailey’s upstairs neighbors. *Id.* at 477(I). When law enforcement arrived, Bailey’s mother answered the door, and an investigator saw Bailey sitting on the couch and asked him, “Do you know why we are here?” Bailey responded, “Yes,” at which point he was promptly arrested. *Id.* Bailey then moved to suppress his statement of “Yes,” arguing that he was in custody the moment the

investigator stepped inside his apartment to execute the warrant and that the investigator's question was designed to elicit an incriminating response. Id. at 479(III). The Supreme Court concluded that no *Miranda* warnings were required because "Bailey was in his own home, free to move about, and was not handcuffed or otherwise restrained[,]" and so a reasonable person in his shoes would not have felt that he was in custody. Id. at 479-80(III).

We conclude that the current situation is indistinguishable from *Bailey*. Just like the defendant in that case, Walker was questioned in his own home, and he was free to move around and was not restrained during the questioning. Indeed, the instant case appears to be less coercive than the situation in *Bailey* because law enforcement here did not question Walker pursuant to a warrant, and the video camera footage shows that there was a clear path to at least one exit from the room and/or the house. It is certainly the case that Walker was the focus of the investigation and that law enforcement directed their attention to him as soon as they entered the house. That fact alone, however, does not trigger *Miranda* absent a sufficiently coercive environment, which did not exist here. See *Woods v. State*, 242 Ga. 277, 281(2) (248 SE2d 612) (1978) (no *Miranda* warnings required during a woman's interview with a

police detective, despite the fact that the woman was the focus of the investigation, when the woman was sitting in the front seat of a car with the door open and her husband present). Compare *State v. Wintker*, 223 Ga. App. 65, 68-69 (476 SE2d 835) (1996) (*Miranda* warnings required where the woman was the focus of the investigation, she was handcuffed and isolated in a police car, and she was interrogated after a thorough search of the car in which she was a passenger had already revealed contraband). Indeed, “[i]t is irrelevant to the *Miranda* analysis that investigators (1) might have focused their suspicions upon the person being questioned, or (2) have already decided that they will take the person into custody and charge him with an offense.” *Gravitt*, 322 Ga. at 841(2)(b) (citation modified).

Thus, we cannot conclude on this record that Walker’s movement was constrained to a degree associated with a formal arrest during the questioning, and we conclude that a reasonable person in Walker’s situation would feel that they would be free to either leave the situation or refuse to answer the officers’ questions.

Accordingly, since Walker was not “in custody” for *Miranda* purposes when the officers questioned him, we reverse the trial court’s order suppressing his statements to law enforcement.

Judgment reversed. Doyle, P. J., and Whitaker, J., concur.