

How Long Does Your Right To Counsel Last? 14 Days.... Apparently

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On February 29, 2012, in [State v. Wessells](#), the New Jersey Supreme Court issued, what I would consider, a landmark decision. It held that a nine-day break in custody was insufficient to protect the rights of a suspect who had previously invoked his right to counsel.

The “landmark” nature of *Wessells* is lessened only because the 2010 U.S. Supreme Court decision in *Maryland v. Shatzer* provided the backdrop for the New Jersey Supreme Court’s decision. In *Shatzer*, the U.S. Supreme Court held that once a criminal suspect invokes his or her right to counsel, law enforcement personnel must wait 14 days before officers can “re-initiate”— attempt to interrogate—the suspect. The “14-day” rule announced in *Shatzer* expounded upon the United States Supreme Court’s 1981 decision in [Edwards v. Arizona](#) wherein that Court held that there must be a “break in custody” before police may initiate a second encounter with the defendant.

So, there you have it. There is a bright-line rule on this issue. If you’re a suspect and you decide to remain silent by virtue of invoking your constitutional “right to counsel,” law enforcement personnel must wait 14 days before attempting to get you to waive your right to counsel.