

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-2311

UNITED STATES OF AMERICA

v.

SHARIF YOUNG,

Appellant

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Criminal Action No. 04-cr-00716)
District Judge: Honorable R. Barclay Surrick

Submitted Under Third Circuit LAR 34.1(a)
April 19, 2007

Before: McKEE and AMBRO, Circuit Judges,
MICHEL, * Chief Judge

(Opinion filed: May 9, 2007)

OPINION

* Honorable Paul R. Michel, Chief Judge, United States Court of Appeals for the Federal Circuit, sitting by designation.

AMBRO, Circuit Judge

Sharif Young was convicted by a jury of one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Young appeals the District Court's denial of his pre-trial motion to suppress a statement he made while in custody and eventually used against him at his trial.¹ Young argues that admitting the statement in evidence violated his privilege against self-incrimination set out in *Miranda v. Arizona*, 384 U.S. 436 (1966).

The facts found by the District Court are straightforward and not clearly erroneous.² After Detective Christopher Gilman had read Young his *Miranda* warnings and inquired whether he wanted to make a statement, Young said that he “didn’t want to sign anything.” Detective Gilman responded, “Well, . . . I guess that means you really don’t want to . . . give me a statement in reference to this matter.” Young then asked what he was being charged with, and Detective Gilman told him. According to Detective Gilman, Young then said that “Jason was trying to shoot him with an AK-47 and that he shot at Jason numerous times because Jason was trying to shoot him.”

After our own review, we find that we have little to add to the District Court's

¹The District Court had jurisdiction under 18 U.S.C. § 3231, and we have jurisdiction under 28 U.S.C. § 1291.

²We review the facts underlying a district court's evidentiary rulings for clear error and exercise plenary review over the legal conclusions properly drawn from the facts. *United States v. Lockett*, 406 F.3d 207, 211 (3d Cir. 2005); *United States v. Perez*, 280 F.3d 318, 336 (3d Cir. 2002).

thorough analysis. See *United States v. Young*, No. 04-CR-00716, 2005 WL 2789185 (E.D. Pa. Oct. 25, 2005). Even assuming that Young had asserted his right to remain silent—a fact that is far from clear given the Supreme Court’s decision in *North Carolina v. Butler*, 441 U.S. 369, 373 (1979) (holding that waiver of the right to remain silent can be inferred from a defendant’s apparent willingness to talk, despite refusing to sign a written waiver)—his statement was not made as a result of custodial interrogation. See *Rhode Island v. Innis*, 446 U.S. 291 (1980). Rather, Young gave his incriminating statement spontaneously and voluntarily after Detective Gilman answered a benign, factual question put by the Young himself. See *McGowan v. Miller*, 109 F.3d 1168, 1170–71, 1175 (7th Cir. 1997); *United States v. Taylor*, 985 F.2d 3, 6–8 (1st Cir. 1993); *United States v. Jackson*, 862 F.2d 1168, 1172 (4th Cir. 1989).

We therefore affirm Young’s conviction for the reasons given by the District Court.