

On February 11, 1996, at approximately 1:00 a.m., officers of the United States Secret Service observed a car which was stopped in the middle of a two-lane street and blocking traffic. Defendant Melgar was in the driver's seat.

After the car moved to the side of the road, the officers issued a citation to Melgar. While doing so, they observed an open, forty-ounce container of alcohol inside the vehicle. When one of the officers leaned into the car to retrieve the open container, he observed two clear sandwich bags in the front console, between the emergency brake and the passenger seat. One of the bags contained twelve rocks of crack cocaine; the other bag contained six rocks. Officers also recovered \$236 in cash from Melgar's person. Melgar was arrested.

On the way to the stationhouse, Melgar told the Officers that his friend had borrowed the car the day before and that those bags did not belong to him. The Officer asked him if those bags did not belong to him then where did he get all of the cash from. Melgar said that he was on his way to OTB to bet the horses.

When he arrived at the station, a Detective took Melgar into an interrogation room and told Melgar that he had the right to remain silent and that anything he said can and will be used against him in court. He also told Melgar that he had the right to an attorney and that if he could not afford one that one would be provided for him. Melgar signed and dated an acknowledgment that he had been given those rights and indicated to the Detective that he would not make a written statement but that he was willing to talk about the incident that led to his arrest. Melgar stated that he would not make a written statement without the presence of an attorney and then orally admitted that the drugs in the car were his and that he was selling them when he was approached by Officers in the street. The Detective reduced to writing his own recollection of what Melgar had stated.

What evidence and/or statements are admissible or inadmissible at trial and why – state all of your reasoning?