

After Oreste Fulminante's 11-year-old stepdaughter Jeneane was murdered in Arizona, 1991, he left the state. The Arizona supreme court, however, reversed Fulminante's conviction and ordered him to be retried without the use of the first confession, which the court judged to be coerced. Fulminante protested that his Fifth Amendment privilege against self-incrimination and his Fourteenth Amendment due process rights had been violated because his confession to Sarivola had been under threat. On the basis of these confessions, Fulminante was indicted in Arizona for first-degree (capital) murder. A 1967 Supreme Court ruling had said that a confession under force or threat was always grounds for overturning a conviction. The trial court, however, denied Fulminante's motion to suppress the confessions and found that both confessions had been voluntary. Another prisoner named Anthony Sarivola was a paid informant of the FBI who became a friend to Fulminante. Fulminante agreed and told Sarivola that he had, indeed, killed his stepdaughter. The state introduced both confessions as evidence at trial, and Fulminante was convicted of murder and sentenced to death. He was later convicted of an unrelated federal crime and imprisoned in the state of New York. Sarivola offered Fulminante protection from them if he would tell him the truth. Therefore he claimed his confession should not be admissible as evidence of his guilt.