



MIRANDA RIGHTS

Origins & Influence

Herman Y.

Derbushev

PLAN

- Concept and purpose of warning;
- Origins;
- Congress' dissent;
- Typical warning procedure;
- Waiver;
- Assertion;
- Miranda exceptions;
- Controversy;
- Conclusion.

CONCEPT. PURPOSE.

- Warning given to suspects in custody by U.S. authorities.
- Purpose:
 1. To make suspect's statements admissible in court;
 2. To insure that suspect acknowledges his/her rights provided by Fifth Amendment.

ORIGINS

- No special notification was given to suspects till 1963.
- *'Miranda vs Arizona', 1963*, established that confession given by such suspects is not acceptable;
- *'Colorado vs Cornelli', 1986*, main criteria for warning;
- *'New York vs Quarles', 1986*, public safety exception.

CONGRESS

DISAGREEMENT

- Safety Streets Act, 1968. Overruling 'Miranda vs Arizona' decision.
- 4th District Court upheld. Solicitor General refused to support this decision.
- 'U.S. vs Dickerson', 2000. Supreme Court named Miranda Warning a part of national culture. 1968 Act overruled.

TYPICAL PROCEDURE

- MUST include right to remain silent and right to appointed attorney.
- MUST be confirmed by suspect.
- MUST be made immediately after arrest.

REQUIREMENTS

- Evidence gathered from testimony;
- Evidence obtained in custody;
- Evidence obtained in interrogation;
- Evidence is used in criminal case.

WAIVER

- MUST be made in order to continue questioning;
- MUST be voluntary;
State must prove absence of police coercion.
- MUST be known and intelligent.
Suspect understands his rights and possible consequences.

ASSERTION

- Stops interrogation when made;
- May be made at any point of interrogation;
- Interrogation may resume after obtaining a waiver.

EXCEPTIONS

- Public Safety.

If suspect is in possess of public endangering information.

- Spontaneous Statement.

- Informant Exception.

CONTROVERSY

- Miranda is not required by Constitution and this decision is unnecessary.
- Miranda troubles police work by creating additional obstacles.

CONCLUSION

- Miranda warning is necessary and sufficient criterion for confession's validity;
- Miranda Warning must comply with certain requirements to be valid itself.
- Miranda Warning limits police interrogation tactics and therefore is widely criticized.

SOURCES

- List of United States Supreme Court cases, volume 530.
- Stuart, Gary. *Miranda: The Story of America's Right to Remain Silent*, 2004.
- Coldrey, John. *The Right to Silence: Should it be curtailed or abolished?*, 1991.
- Stigall, Dan E. *The Public Safety Exception to Miranda: A Comparative Analysis*, 2010.