



# MIRANDA RIGHTS

## Origins & Influence

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# 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.
- 4<sup>th</sup> 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.