

MIRANDA RIGHTS

Exercise 1 Watch the film *What Are Miranda Rights? Miranda Rights Explained* and mark the sentences True or False.

<https://www.youtube.com/watch?v=ICifhjRnDvg>

1. The suspect rights must be read to him/her before the interrogation.
2. To be 'in custody' means to be jailed.
3. The right to remain silent means that you shouldn't talk to the officers.
4. If you have already started answering the officers questions you have the right to refuse to answer the rest of them.
5. If you are not informed of your rights your statements are not legally binding.

Exercise 2A Complete the text with the following words.

attorney custody complaint interrogation knowledge

Who was Ernesto Miranda?

On March 13, 1966, Ernesto Miranda was arrested at his home in Arizona. The police took him into [1] and transported him to a Phoenix police station. The witness who had filed the [2] identified him. Miranda was then led to the [3] room. Then, the police officers proceeded to question him. Miranda had not been informed of his rights prior to the questioning. He was never told he had the right to a/an [4] to be present during the questioning. After two hours, the officers had succeeded in getting a written confession signed by Miranda. At the top of the confession there was a typed paragraph stating that the confession was voluntary, without any promises of immunity or threats. The statement also said that Miranda signed the confession "with full [5] of my legal rights, understanding any statement I make may be used against me."

Exercise 2B Complete the text with the following words.

rape appeal court judge convicted

What happened in court?

When Miranda's case went to [1], the prosecution used the written confession as evidence against him. The defense objected, asking for the evidence to be suppressed. However, the [2] allowed the confession to be admitted. Miranda was [3] of all counts, which consisted of kidnapping and [4]. On each count he was sentenced to 20 plus 30 years, with the sentences running concurrently. On Miranda's first [5], the Supreme Court of Arizona ruled that his rights had not been violated by the admission of the confession, and therefore affirmed the conviction. The basis for the decision was connected to the fact that Miranda never specifically requested counsel.

Exercise 2C Complete the text with the following words.

case rights inadmissible statement counsel

What happened at the Supreme Court?

Miranda eventually appealed his [1] at the Supreme Court. The Supreme Court ruled that based on the testimony given by the police officers, and the admission of Miranda, it was obvious that he had never been told in any form of his right to [2], or of his right to one during his questioning. The attorney also stated that Miranda was never informed of his right not to be compelled to incriminate himself. The Court stated that without these warnings, all statements from Miranda were [3]. They went on to rule that, just because the confession had a typed [4] saying Miranda had full knowledge of his rights, this never reached the level needed for one to intelligently waive one's constitutional rights. Based on this information, the Supreme Court reversed the decision.

The Supreme Court went on to say that the process of interrogation is intimidating by its very nature, and that the arrestee must be read his or her [5] to counteract this intimidation.

Exercise 2D Complete the text with the following words.

consult remain against present appointed

What is the right way to question a suspect?

When questioning begins, the first statement to be made is "You have the right to remain silent and refuse to answer questions. Do you understand?" The officer must receive a verbal or written confirmation that the suspect understands his right to [1] silent. The officer is then to say "Anything you do say can and will be used [2] you in a court of law. Do you understand?" Once again, as with all the Miranda Rights, the officer must have a verbal or written acknowledgement of this right. The next right is "You have the right to [3] an attorney before speaking to the police and to have an attorney present during questioning now or in the future. Do you understand?" That statement is followed by "If you cannot afford an attorney, one will be [4] for you before any questioning if you wish. Do you understand?" The next Miranda Right states that "If you decide to answer questions now without an attorney present you will still have the right to stop answering at any time until you talk to an attorney. Do you understand?" The last Miranda right specifically asks "Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney [5]?"