

Miranda v. Arizona / Beyond Miranda

Directions:

1. Read the **Background** section.
 2. Read the **Post-Miranda Cases** and answer the questions that follow.
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Background

The following are the main points of the *Miranda* decision, written by Chief Justice Earl Warren in 1966:

Persons in police custody must be warned of their rights before they are questioned, as follows:

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to an attorney.
- If you cannot afford an attorney, one will be appointed for you.

The failure to warn the accused prior to interrogation may lead to the statement be suppressed because of the Fifth Amendment's protection against a person being "compelled in a criminal case to be a witness against himself."

Post-Miranda Cases

In the time since *Miranda* was decided in 1966, the Supreme Court of the United States has decided several cases directly related to the issues *Miranda* raised. Below are brief descriptions of the issues presented to the justices in several of these cases. How would you decide these cases if you were a Supreme Court justice? For the purpose of this exercise, you should assume that you cannot overturn the *Miranda* decision.

1. *Harris v. New York* (1971)

Harris was arrested for selling heroin to an undercover detective. He had not been given his Miranda warnings when he told the police that he had made the sales at the request of the undercover officer. At trial, the prosecution did not use the statement the defendant made during their case. However, when he took the stand, he denied making the sales, contradicting what he had previously told the police. The prosecutors then used his initial statement to impeach, or make less credible, his testimony.

Should the prosecutors have been allowed to use Harris' pre-Miranda warnings statement at trial, or did its use violate his constitutional rights?

2. *Michigan v. Tucker* (1974)

In this case, the accused was warned of his right against self-incrimination, but not of his right to a lawyer. In the defendant's statement, a person was identified as a potential witness. The defendant's lawyer argued that the witness could not testify, since the witness would be "derivative evidence" arising from the defendant's statement, which was not allowed in court because of the violation of *Miranda*.

Since the statement itself could not be used in court against the defendant, could the witness still testify, even though the witness would never have been found if not for the statement?

3. *New York v. Quarles* (1984)

A woman told two police officers that she had been raped at gunpoint. She gave them a description of the suspect and told them he had gone into a nearby supermarket. In the store one of the officers apprehended Quarles, the suspect, searched him and found that he was wearing an empty holster. The officer asked Quarles where his gun was, and he told him. The officer arrested Quarles and read him his Miranda rights.

Should the suspect's statement about the gun be suppressed at trial, since it was made before the Miranda warnings were given?

4. *Oregon v. Elstad* (1985)

Elstad was suspected of committing burglary. He was arrested in his home, and he made an incriminating statement before being read his Miranda warnings. He was then taken to the police station where the police read him his Miranda rights. He waived his Miranda rights and the police questioned him. During the questioning, he confessed to the crime and signed a written confession. Elstad's first statement that he was involved in the crime was suppressed at trial, but his second statement was used against him and he was convicted.

Should the second statement also be suppressed at trial?

5. *Illinois v. Perkins* (1990)

In this case, police informants posed as prisoners in order to obtain evidence of Perkins' involvement in a murder. Perkins made statements to the one of the "prisoners" implicating himself. This information was subsequently used at trial and Perkins was convicted. There had been no Miranda warning, since the defendant did not know he was speaking to someone acting on behalf of the police.

Should the defendant's incriminating statements have been allowed at trial, considering that they were made without the defendant being warned of his rights?

6. *Berghuis v. Thompkins* (2010)

In this case, Berghuis was interrogated for a murder after being read his Miranda rights. Berghuis never stated clearly that he wished to invoke his right to remain silent, but for three hours he was almost completely silent. The few times he spoke it was about things not related to the trial. He did not sign a waiver saying he understood his rights and wished to speak. Eventually the police asked him if he prayed to God to forgive him for shooting the victim, to which he replied, "yes." This confession was used to convict him of murder.

Does the defendant's silence during the interrogation invoke his right to remain silent? Or did he waive his right when he voluntarily made a statement to the police?