

# Miranda v. Arizona / Beyond Miranda— Answer Key

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## 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?**

Student answers will vary. The Court said that *Miranda* did not mean that evidence barred from use during the prosecution's case could not be used for any purpose. They said the *Miranda* protection could not be "perverted into a license to use perjury by way of a defense, free from the risk of confrontation with prior inconsistent utterances." The prosecutors were permitted to use the statement.

## 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?**

Student answers will vary. The Court ruled that the witness could testify. In this case they made a distinction between a violation of the Fifth Amendment right against self-incrimination and a mere violation of the *Miranda* rule. Since the defendant was warned about his right against self-incrimination, the Court allowed the witness to testify.

## 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?**

Student answers will vary. The Court said there is a "public safety" exception which applies in this case. The police officer acted to further public safety and therefore the statement made by the defendant (telling of the location of the weapon) before his *Miranda* rights were read to him was admissible in court.

#### 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?**

Student answers will vary. The Court ruled that admissions made prior to *Miranda* warnings must be suppressed, but later statements, if made voluntarily, may be used in court. "[T]he mere fact that a suspect has made an unwarned admission does not warrant a presumption of compulsion," Justice O'Connor wrote.

#### 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?**

Student answers will vary. Justice Kennedy, writing for the majority, held that conversations between suspects and undercover officers are not held in a "police-dominated atmosphere" and therefore *Miranda* warnings are not necessary. No coercion was possible because there was no official interrogation.

#### 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?**

Student answers will vary. The Court said that a defendant must unambiguously (very clearly) state that they are invoking their right to remain silent. If they do not and voluntarily respond to a question, even without having waived their rights previously, the statement is admissible.