



WHAT RIGHTS SHOULD AN ACCUSED PERSON HAVE?

MIRANDA VS. ARIZONA (1966)

got miranda rights?

BACKGROUND:

Police officers try to obtain confessions from suspects. Yet, the Fifth Amendment protects people from self-incrimination—stating facts that will result in their being accused of a crime. The Sixth Amendment gives them the right to an attorney. How these two guaranteed rights come into play when a person is being questioned by police?

| The Facts | The Issue | The Decision |
|--|---|--|
| <ul style="list-style-type: none">• Ernesto Miranda, under questioning by police, confessed that he had kidnapped and assaulted a woman.• Miranda was convicted in state court of the crimes in part because of the confession. | <ul style="list-style-type: none">• Miranda claimed the confession should not be used because police had not warned him of his right to avoid self-incrimination or to have a lawyer present. | The Court ruled 5:4 that the conviction should be thrown out because police had violated Miranda's rights when it obtained the confession. |

WHY IT MATTERS

The majority based its reasoning on "The necessity for procedures which assure" the protection of the Fifth Amendment rights. It spelled out those procedures:

"Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney."

That statement is familiar to many Americans from hearing it on television crime dramas. The majority also ruled that people who request a lawyer must be provided with one, even if they are too poor to pay for one themselves.

Miranda V Arizona Icivics

Amos Guiora, Louise Heiney



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Miranda V. Arizona, 1966 , *Miranda V. Arizona* Gail Blasser Riley, 1994 Must a person accused of a crime be advised of his or her right to an attorney before police questioning This was the key question Ernesto Miranda brought to the United States Supreme Court *Miranda V. Arizona* ,2022 *Miranda V. Arizona* Liz Sonneborn, 2004 Explains how the Miranda Act came to be part of American history **Miranda V. Arizona** Amos Guiora, Louise Heiney, 2020-01-08

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