



# 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"><li>• Ernesto Miranda, under questioning by police, confessed that he had kidnapped and assaulted a woman.</li><li>• Miranda was convicted in state court of the crimes in part because of the confession.</li></ul>	<ul style="list-style-type: none"><li>• 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.</li></ul>	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.

# Icivics Miranda V Arizona Answers

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