

# Miranda and terry cases case study sample

[Law](#), [Evidence](#)



\n[[toc title="Table of Contents"](#)]\n

\n \t

1. [Miranda v Arizona](#) \n \t
2. [Terry v Ohio](#) \n \t
3. [References](#) \n

\n[/toc]\n \n

## **Miranda v Arizona**

The brief facts of the case were that the defendant Ernesto Miranda was arrested on the 13th of March 1963 by the police based on circumstantial evidence that linked him to the rape of an 18year old girl. Following an interrogation by police that lasted two hours, Miranda signed a confession statement to the rape charge on forms that alleged that he had made the confession without any coercion and out of his own free will. The form also stated that the defendant was well aware of his legal rights as well as the fact that any statements or confessions he made would be used as evidence against him in the trial. Despite his signing of the confession statement, the police had not told him of his legal rights which included the right to counsel and the right to remain silent. In addition, Miranda was not told of the fact that any confession or statements made would be used against him as evidence in court during the trial. At the trial, the prosecution presented the confession he had made during the interrogation as evidence for the charge. The defense counsel, appointed by the court, objected to the adduction of such confession evidence on the grounds that the same evidence was not obtained from Miranda's own free will as he was not aware of his rights. The

lower court overruled the objection of the defense attorney and convicted Miranda of the offence of rape as charged, based on the confession evidence among other evidence. The defendant appealed against conviction on the same grounds at the Arizona Supreme Court which affirmed the decision of the trial court by stating that the defendant had not specifically requested for an attorney. The defendant then moved to the United States Supreme Court over the same matter.

Some of the issues that the case addressed were whether both inculpatory and exculpatory statements made in response to interrogation by a defendant in police custody are admissible as evidence during a trial where the defendant's rights have not been observed. When the matter came up for hearing at the United States Supreme Court, the majority overruled the holding of the lower courts by an indecisive 5-4. In a ruling delivered by the then Chief Justice Earl Warren, the court held that owing to the coercive nature of police interrogation, no confession statements made by an accused in police custody would be admissible in evidence at trial under the Fifth Amendment self-incrimination clause where the rights of the accused have been infringed. The court also held that a confession statement is also inadmissible under the Sixth Amendment where the right to counsel for a defendant has not been made known to him by the police. The majority held that where an accused opts to exercise his right to remain silent, all interrogation must stop.

Nonetheless, the dissenting justices were of the opinion that the majority ruling went too far in exposing and riddling law enforcement of the ability to obtain confession evidence. In particular, Justice Clark was of the view that

the court should have employed the totality of circumstances doctrine laid down in *Haynes v Washington*. Under this doctrine, the court would look at the circumstances to determine whether the defendant's confession was voluntary despite the absence of warnings by the police. Justice Byron White while dissenting expressed his dissatisfaction with the majority opinion citing that the constitutional right decided by the majority had no textual bases.

## **Terry v Ohio**

The brief facts of the case were that the defendant Terry alongside other persons was found guilty of having concealed weapons. The detective had searched him on reasonable suspicion that the defendant wanted to commit a crime. Terry was consequently arrested by the detective following a search and seizure from Terry's overcoat of which he seized a gun. Terry alongside his accomplice was charged with carrying concealed weapons. The defense opposed the admissibility in evidence of the seized weapon on grounds that it was contrary to the Fourth Amendment which prohibits against unreasonable searches and seizures aimed at gathering evidence. It was based on the exclusionary rule which serves to exclude evidence obtained through an arbitrary search and seizure. The trial court admitted the evidence of the seized weapon on grounds that the defendant had made the police believe that he was acting in a suspicious manner. The court was also of the view that the interrogation conducted by the police was justified and that the police officer had the right to search their outer clothing for his own protection. An appellate court affirmed the conviction of the trial court as did the Supreme Court.

The Supreme Court dismissed the appeal and held that the Fourth

Amendment protects people against unreasonable searches and seizures rather than places. The court held that the prohibition afforded by the Fourth Amendment of the United States Constitution is not violated when a police officer stops a person they reasonably suspect of having committed a crime or, is about to commit a crime or, where there is a reasonable belief that the suspect may be armed and dangerous. The court also noted that the exclusionary rule does not exist without limitations. Further, the rule was/is meant to protect persons from arbitrary searches and seizures targeted at gathering evidence and not for other purposes.

## **References**

- Dudley Jnr, E. (2012). Terry v. Ohio, the Warren Court and the Fourth Amendment: A Law Clerk's Perspective. *St. John's Law Review*, 11-16.
- Soltero, C. R. (2006). "Miranda v. Arizona (1966) and the rights of the criminally accused". University of Texas Press, 61-74.
- Stuart, G. L. (2007). *Miranda: The Story of America's Right to Remain Silent*. Tucson, Arizona:: University of Arizona Press.