

Ls 301 7 essay example

[Law](#), [Criminal Justice](#)



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LS 301 7

Question 1

Berghuis vs. Thompkins, 560 United States of 2010 (docket 08-1470), refer to a verdict by the U. S. Supreme Court where the jury favored a suspect who recognizes his or her right to stay put under Miranda vs. Arizona. The ruling also recognized people, who recognized their right to remain hushed, but does not openly waive or invoke the right (Thomas, 2012). The Supreme Court affirmed that unless the person in custody stated that he or she was depending on the right, his or her following voluntary statements might be used in a court of law and police could go on to interrogate the person. The act of staying put was inadequate to imply the person in custody has waived the rights. Also, a voluntary respond even after extensive silence might be considered as a waiver (Thomas, 2012).

The Supreme Court was divided in 5 by 4 (Schmallegger, 2001). The dissent, headed by Judge Sonia Sotomayor, stated that Miranda requires a declared waiver of a legitimate right to be revealed more strongly. This was particularly in light of an extensive questioning with a likely " compelling influence" where the suspect had remained silent for roughly three hours

before the self-incriminating speech. Reactions from the media and legal observers were at odds. A number of people considered Berghuis as a corrosion of Miranda. They were worried that it was "turning back the clocks" on regulations developed in earlier cases (Schmallegger, 2001). Other people perceived the verdict as a mark of strength and a sign that the Supreme Court was willing to tackle known problems resulting from the outlook of terrorism as a transgression. However, a more widespread view was that vulnerable citizens might now be put under pressure plus, in spite of having an understanding of their rights, may be easily forced in a manner harmful to their welfare.

Question 2

Miranda rights make sure that a person's rights are secure even when he or she is suspected of breaking the law (Cassell, 1998). Prior to this a lot of suspects were uncertain of their rights. The suspects uttered words they did not fully mean since they thought it would impede the questioning, or they did not recognize that they could acquire an attorney. The choice of being able to waive the rights has had detrimental effects on law enforcement as the police force has found it hard to obtain a confession. Ever since the right of being able to waive the Miranda rights were passed, the percentage of suspects interrogated who confessed dropped from 49% to 14%. In a town like Pittsburg for instance, the confession percentage dropped from 48% to 29% (Prentzas, 2005). Hence, the police force found it much harder to resolve crimes than in the past. Crime rates resolved by the police force all across the country dropped from 60% to roughly 45%. The percentage of property crimes dropped, as well. Given the reason that a confession applies

in getting a conviction, there were roughly 3.8% fewer convictions each year after the Miranda law.

In conclusion, a number of defenders argued that the fewer crimes being resolved following the Miranda law was an acceptable reason. This is because the police force was required to abandon the unconstitutionally coercive interrogation techniques. Nevertheless, coercive interrogation techniques had started to go down in the 30s as well as the 40s. The Supreme Court even agreed that coerced confessions were bad, and it led to the introduction of Miranda law.

References

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