

# [Rights of miranda](https://assignbuster.com/rights-of-miranda/)

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The Miranda Rights process may sound flawlessly, but is it really all for show? You and I have seen the Miranda Rights being said countless time on T. V hit shows like; Law & Order and CSI. The Miranda Rights really make the T. V characters sounds authoritative when they apprehend the criminal. All United States citizens should know the Miranda Rights process. Not just hearing the Miranda Rights but how does how the process really goes when you are in the situation like the shows on television. Why is important to understand the Miranda Rights in your environment?

And how might the Miranda Rights is improved socially? Both of us may understand the Miranda Rights to some aspect but that’s not the case for all people in America. What is the important of the Miranda Rights? How did it get its name Miranda from? Here a little history where the Miranda Rights got started. The Miranda Rights came from the Supreme Court case Miranda vs. Arizona, in 1966. When Ernesto Miranda was not informed of his rights, but was arrested, taken to the police station. Miranda was detained in a segregated interrogation room for two hours.

Was not informed about his right to receive counsel after interrogating, Arizona law enforcement had written a statement of Miranda, confession of the crime. The confession also contained a full disclaimer stating that Miranda was fully aware of his legal rights, when in fact, his legal counsel argued, he did not know. Eventually the court overturned Miranda conviction because Miranda was not formally informed of his legal right as a suspect. This allowed taking back his statement of confession. Ultimately, mandates the U. S law enforcement has inform citizens of their right to due process.

This is how the Miranda Rights gets its name and was enforced throughout the United States. Because the Supreme Court would not want a case like this again. The Miranda Warning (a. k. a Miranda Rights) is six steps social and political process. The law enforcement must detain you or the suspect in order to say the social process. The Miranda Rights is designed to cover all legal bases that a detained person may meet while in police custody. This is the most common way to say the Miranda Rights, but in other some other state, some of the wording may different.

First, you have the right to remain silent and refuse to answer questions. Do you understand? From here, the individual may not answer any of the officer questions. Second, anything you do say may be used against you in a court of law. Do you understand? If you choose to speak, choose your wording correctly because the officer may use it against you. Third, you have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future. Do you understand? And if you don’t want to answer the officer questions alone, you may call your lawyer, there and now.

Fourth, if you cannot afford an attorney, one will be appointed for you before any questioning if you wish. Do you understand? Can’t afford a lawyer, the justice department will find one for you. Fifth, if you decide to answer questions now without an attorney present you will still have the right to stop answering at any time until you talk to an attorney. Do you understand? Decided to answer the officer questions, you can choose when to stop answering until you want to talk to your lawyer. Last, knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?

Form here the suspect can either choose to answer the police man question or remain silent still. Why is important to understand the Miranda Rights? By understanding your Miranda Rights, Miranda is to protect you from self-incrimination. This means incrimination of oneself; giving of evidence or answering of questions which would leave one liable to be tried for a crime. Also to satisfy the court and Constitutional requirement that we U. S citizen have. Where I think the Miranda Rights can be improved, is the language area. Not all suspects fully understand the English language.

This here is where I think the Miranda Rights have it social issue. This is where things can get out hand as the suspect is cuffed. He or she will not cooperate with authorities, and will struggle while cuffed. By not understanding what the officer is saying. This happened to someone know, my uncle. The mess could’ve been avoided if he understands English or if there been a translator for him. It all started out with my uncle getting a pull over while driving with a dead brake light. The officer came around to the driver side, to talk to my uncle.

The officer saw a hunting rifle wrapped in a long barely sack. My uncle was on his way to my dad house, to go hunting the next day. The officer did what any officer will do, told my uncle to put his hand on the steering wheel. Officer came to my uncle door; open the door, cuffed his hands, and slams him to the ground. Without saying the Miranda Rights or my uncle understand a little English from the officer. The officer did all his actions while calling for back up. My uncle knew there was a misunderstanding, he have his hunting license and documents of the hunting rifle in his duffle bag.

My uncle tried telling the officers to go check his bag, but they didn’t understand most of the words coming out his mouth. My uncle was a pretty big, he told me, as he tried to stand up while being cuffed. The officers back up showed up, pepper sprayed my uncle, and one of them holds him down, so my uncle couldn’t move around. Eventually my uncle made his way to back of the officer back seat. The officers search through my uncle car. Officers finally found the duffle bag, containing my uncle license and permit for his hunting rifle.

Shortly after the officers found the documents, they took off the handcuff on my uncle and let him go after all that happened to him. Without the proper understanding the Miranda Rights and my uncle knowing just a little English, the suspect (my uncle) will try to prove his or her innocent there and now. Unfortunately, my uncle had to experience this unsettling outcome. This may not entirely be the officer fault also. In the U. S, there is a mixture of race throughout the country. And what if, the suspect is deaf; will the officer call for a sign language for the Miranda Rights.

These are lots room of improvement for the Miranda Rights in my opinion. The Miranda Rights process may sound flawlessly, but is it really all for show? I’m sure you and I can answer that question. Not only Miranda Rights use on hit television shows to finish off the bad guys, as they get carted away. The Miranda Rights is for you and me as citizen to protect our rights. Both of us may understand the Miranda Rights to some aspect but that’s not the case for all people in United States, this is where I believe the Miranda Rights can be revamp a little more.