

Discuss arizona v.  
fulminante, 499 u.s.  
279; 111 s. ct. 1246;  
113 l. ed. 2d 302 (...)

[Countries](#), [United States](#)



Name: Instructor: Course: Date: Assignment Seven Discuss Arizona v. Fulminante, 499 U. S. 279; 111 S.

Ct. 1246; 113 L. Ed. 2d 302 (1991); Please list those cases listed by Justice White in the majority opinion and also listed in the Harr and Hess discussion of voluntariness in the text. In the case of Arizona v. Fulminante, the case involved the admissibility of the involuntary confessions that are applicable in the harmless error doctrine.

This provided that the lack of a result of harm should warrant admissibility of a confession. The primary issue in this case was as to whether Fulminante's confession was because of coercion (Chacon 47). Fulminante was initially imprisoned for a single crime but was later suspected of having committed a murder.

In addition, a fellow inmate in the same prison solicited to help Fulminante is he provided him with truthful and precise facts about the murder case to which Fulminante provided him with sufficient information about his role in the murder (Harr, & Ka? ren 33) The inmate was later used as a state witness in the case and disclosed the facts provided by Fulminante to a court of law. The courts held that the evidence provided was because of coercion and thus involuntary. The error was not harmless resulting in the reversal of his conviction. Under the 18 U. S.

C. § 3501 statute the aspect of voluntariness was reliant on elements such as time of arrest and arraignment, the knowledge on part of defendant of the

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crimes for arrest, the administration of Miranda warnings to the suspect (Kuhn 67). List: Miller v. Fenton, 474 U. S. 104, 110, 106 S.

Ct. 445, 449, 88 L. Ed. 2d 405 (1985) Mincey v. Arizona, 437 U.

S. 385, 398, 98 S. Ct. 2408, 2416, 57 L. Ed.

2d 290 (1978); Davis, supra, 384 U. S., at 741-742, 86 S.

Ct., at 1764-1765; Haynes, supra, 373 U. S.

, at 515, 83 S. Ct., at 1344; Chambers v. Florida, 309 U.

S. 227, 228-229, 60 S. Ct. 472, 473, 84 L. Ed. 716 (1940).? Discuss the facts in Missouri v.

Seibert, 542 U. S. 600; 124 S. Ct.

2601; 159 L. Ed. 2d 643 (2004) and then analyze the practice of “beachheading” as a violation of and a circumvention of the Miranda rule as well as the appropriate sanction according to Justice Souter. What reservations do Justices Breyer and Kennedy have about the sanction approved in the opinion announced by Justice Souter? Does the dissent written by Justice O’Connor differ significantly from the concurring opinions of Justices and Breyer, respectively? The defendant’s son passed away which was coincidental with the death of a mentally ill teenager in a bid to conceal the death of the defendant’s son because of neglect. The Supreme Court struck down the practice by the police who had obtained a confession from a

suspect without providing Miranda warnings (Wrightsman, & Pitman 34). The police obtained a first confession without providing Miranda warnings, issue the warnings at a later time and then obtained a second confession from the suspect. Beachheading is whereby the police hold a suspect and obtain statements such as confessions to issue the Miranda warnings at a later time and then obtaining an official statement from the suspect. Such statements are not admissible in a court of law in the United States.

Justice Souter announced a court judgment for a plurality of four justices in the case. The judgment provided that the second confession was admissible if the Miranda warnings had been “ effective enough to accomplish their object”. Justice Kennedy concurred with the judgment that the second confession was inadmissible if the interrogation of the technique was used in a manner that undermined the Miranda warning. Justice Breyer concurred with the judgment and provided for a test as to the admissibility of the second confession. Justice O’Connor provided for the dissenting opinion, which varied greatly from the other judges and criticized the judgment in understanding the two-step interrogations through a reference to the case of Oregon v. Elstad.

She claimed that it did not matter if the police failed to provide Miranda warnings before the first confession if the confession was not because of coercion (Van 23). Explain the basis for avoidance of Miranda requirements in federal court criminal cases as discussed in Dickerson v. United States, 530 U. S. 428, 120 S.

Ct. 2326 (2000). Summarize the different emphasis in the historical approach to the law governing the admission of confessions at criminal trials that Justice Rehnquist for the majority and Justice Scalia for the dissent made in their respective opinions. In *Dickerson v. United States*, the federal statute alleged to overrule the Miranda warning, which was required by law to be read to criminal suspects. In the year 1968, which was two years after the Miranda warning decision, the congress passed a law seeking to overrule the decision.

This resulted in the 18 U. S. C. § 3501 statute that sought to ensure admissibility of statements by federal judges if such statements were made voluntarily with a lack of regard if a criminal suspect had been provided with Miranda warnings. Justice Rehnquist for the majority wrote for the majority and provided a historical perspective from which the Miranda warnings had been developed. The American law inherited this rule from English law (Kelly-Gangi 34).

Justice Scalia disagreed with the majority's decision of failing to overrule Miranda. His disagreement was because of the notion that Miranda was a constitutional rule. He based such on previous court rulings that had failed to exclude evidenced presented to the court based on absence of such Miranda warnings. He argued that the majority ruling was a compromise that was unprincipled on justices who believed that the Miranda warnings were constitutional and those who believed that the Miranda warnings were

constitutional and those who believed that the rule was unconstitutional (Jost 29).

? Review and analyze the facts and the decision in *Colorado v. Humphrey*, 132 P. 3d 352 (2006); explain the basis for the Court's decision that part of the confession was admissible and another part inadmissible. Explain the basis for Justice Coats' concurring and dissenting opinion for suppression of parts of the confession.

Does either Justice Martinez's majority opinion or Justice Coats' opinion seem to follow those cases listed by Harr and Hess of those situations where the Miranda warning and waiver are not required, including the public safety exception. In *Colorado v. Humphrey*, the people of the state of Colorado challenged the trial court's decision to suppress the statements that had been made by the defendant, Andrea Humphrey in a custodial interrogation.

This case was marked by a high level of police misconduct. The majority found that she was duly informed of her Miranda rights and knowingly and willingly decided to waive such rights to talk to the police on the case. She was willing to talk to the police to point of excusing her conduct after gaining information about the victim's death (Taylor 31). Justice Coats concurred in part and dissented in part with the judgment provided by the court. The judgment provided that the court supported the trial court's voluntariness conclusion with respect to the post disclosure statements.

The concurrence provided that the court agreed with the findings of a violation of Miranda warnings but dissent with the need to suppress the statements by the defendant as involuntary and as a result of coercion. The waiver of this rule is present in the need to protect the police and the public from imminent danger posed by the suspects. Work cited Allen, Ronald J, Richard B. Kuhns, and William J. Stuntz. *Constitutional Criminal Procedure: An Examination of the Fourth, Fifth, and Sixth Amendments, and Related Areas*. Aspen Law & Business, 1995. Print.

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