

Miranda assignment



Miranda warnings are based on the U. S. Constitution. The U. S. Supreme Court initially laid down this principle in the case of *Miranda v. Arizona* (384 U. S. 436) and was affirmed in the case of *U. S. v Charles Dickerson* (530 U. S. 428) that the Miranda warnings are guarantees to ensure the protection of the rights of the criminal suspect during police investigations. These constitutional rights refer to the right to have counsel, the right against self incrimination and a general basic right to due process (*Escobedo v. Illinois*, 378 U. S. 478) .

The criminal suspect is supposed to be informed and advised of his constitutional rights by reading to him the Miranda warnings during custodial investigation or interrogation (*Miranda v. Arizona*, 384 U. S. 436). Custodial investigation is defined as “ questioning initiated by law enforcement officers after a person is taken into custody or otherwise deprived of his or her freedom in any significant way” (West's Encyclopedia of American Law, 1998).

The rationale for this is the fact that in custodial investigations there is the tendency of law enforcement or police officers to coerce the criminal suspect. There is also the likelihood for the criminal suspect by reason of fear during the antagonistic environment, to lie to defend himself or admit to the commission of the offense or criminal act being investigated. The Miranda warnings are supposed to protect the suspect from being intimidated and making forced confessions by reason of the strategies that may be employed by the law enforcement officers [*Illinois v. Perkins*, 496 U. S. 292 (1990)].

The Court interpreted the meaning of ‘ custody’ as one which restricts the physical movement of the suspect (*Orozco v. Texas*, 394 U. S. 324). It may

also occur even if the inquiry or interview is non-confrontational [Oregon v. Mathiason, 429 U. S. 492 (1977)].

In the instant case, Police Officer Watson should have advised the suspect of the Miranda warnings before he asked him questions. The suspect is deemed to be under custodial interrogation already even if at the time Officer Watson asked the question, they are not in the police station yet. The custodial investigation is deemed to have commenced when Officer Watson started to ask the suspect.

As the court ruled in the case of *Orozco v. Texas*, a criminal suspect is deemed to be under custody even if he is in the comfort of his own home when his freedom of movement is restricted (*Orozco v. Texas*, 394 U. S. 324). It is noteworthy to point out as well that Officer Watson failed to inform the suspect of his rights when he was brought to the police station for interrogation. Consequently, the statements made by the suspect shall be deemed inadmissible against him during trial except to impeach his own testimony in consonance with the exclusionary rule doctrine (*Walder v. United States*, 347 U. S. 62 (1954)).

Under the probable cause doctrine, the Miranda warnings are no longer necessary. Law enforcement officers are required by law to have probable cause before arresting a suspect. Probable cause is defined as “ a level of reasonable belief, based on facts that can be articulated, that is required to sue a person in civil court or to arrest and prosecute a person in criminal court” (West's Encyclopedia of American Law, 1998).

The suspect's answer to the first question of Officer Watson cannot affect the admissibility of confession because there was lack of coercion to force the

<https://assignbuster.com/miranda-assignment/>

suspect in making such a statement. The important factor to be determined is whether the suspect made his statement knowingly and voluntarily, a doctrine enunciated by the Court in the case of Oregon v. Elstad [Oregon v. Elstad, 470 U. S. 298 (1985)].

References

1. Dickerson v. U. S., 530 U. S. 428. Retrieved on April 15, 2008, from
2. <http://caselaw.findlaw.com/us-supreme-court/530/428.html>
3. Escobedo v. Illinois, 378 U. S. 478. Retrieved on April 15, 2008, from
4. <http://caselaw.findlaw.com/us-supreme-court/378/478.html>
5. Illinois v. Perkins, 496 U. S. 292 (1990). Retrieved on April 15, 2008, from
6. <https://www.oyez.org/cases/1989/88-1972>
- 7.