that if he cannot afford counsel he is entitled to an appointed attorney.[370] The Court recognized that "other fully effective means" could be devised to convey the right to remain silent,[371] but it was firm that the prosecution was not permitted to show that an unwarned suspect knew of his rights in some manner.[372] Nevertheless, it is not necessary that the police give the warnings as a verbatim recital of the words in the *Miranda* opinion itself, so long as the words used "fully conveyed" to a defendant his rights.[373]

Fourth, once a warned suspect asserts his *right* to *silence* and requests *counsel*, the police must scrupulously respect his assertion of right. The *Miranda* Court strongly stated that once a warned suspect "indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease." Further, if the suspect indicates he wishes the assistance of counsel during interrogation, questioning must cease until he has counsel.[374]

That said, the Court has issued a distinct line of cases on the right to counsel that has created practically a *per se* rule barring the police from continuing or from reinitiating interrogation with a suspect requesting counsel until counsel is present, save only that the suspect himself may initiate further proceedings. In *Edwards v. Arizona*,[375] initial questioning had ceased as soon as the suspect had requested counsel, and the suspect had been returned to his cell. Questioning had resumed the following day only after different police officers had confronted the suspect and again warned him

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[370] Miranda v. Arizona, 384 U.S. 436, 444 (1966). *See* id. at 469–73.

[371] 384 U.S. at 444.

[372] 384 U.S. at 469.

[373] California v. Prysock, 453 U.S. 355 (1981). Rephrased, the test is whether the warnings "*reasonably* conveyed" a suspect's rights, the Court adding that reviewing courts "need not examine *Miranda* warnings as if construing a will or defining the terms of an easement." Duckworth v. Eagan, 492 U.S. 195, 203 (1989) (upholding warning that included possibly misleading statement that a lawyer would be appointed "if and when you go to court"). Even where warnings were not the "*clearest possible* formulation of *Miranda's* right-to-counsel advisement," the Court found them acceptable as "sufficiently comprehensive and comprehensible when given a commonsense reading." Florida v. Powell, 559 U.S. ___, No. 08–1175, slip op. at 12 (2010) (emphasis in original) (upholding warning of a right to talk to a lawyer before answering any questions, coupled with advice that the right could be invoked at any time during police questioning, as adequate to inform a suspect of his right to have a lawyer present during questioning).

[374] Miranda v. Arizona, 384 U.S. 436, 472, 473–74 (1966). While a request for a lawyer is a *per se* invocation of Fifth Amendment rights, a request for another advisor, such as a probation officer or family member, may be taken into account in determining whether a suspect has evidenced an intent to claim his right to remain silent. Fare v. Michael C., 442 U.S. 707 (1979) (juvenile who requested to see his probation officer, rather than counsel, found under the totality-of-the-circumstances to have not invoked a right to remain silent).

[375] 451 U.S. 477 (1981).