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CJ 2350-30I

October 25, 2012

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Miranda Rights

I was watching the new Dexter episode “Run” yesterday. In the “Run” episode Speltzer a serial killer of young ladies is arrested (who Dexter Morgan is hunting). During the interrogation of Speltzer, Debra Morgan (Dexter’s sister) gets a confession out of Speltzer. Later on a judge throws out Speltzer’s confession because during the arresting process the four arresting officers beat up Speltzer, but Speltzer didn’t say he understand his Miranda Rights. Because Speltzer didn’t understand his Miranda Rights the Judge threw out the confession. This Dexter episode shows how important Miranda Rights are in a criminal investigation. (Dexter, 1990)

Miranda Rights are named after Ernesto Miranda, in a United States Supreme Court case in 1966 Miranda v. Arizona that detained criminal suspects before police interrogation must be informed of their rights under the constitution. During the “land mark” case of Miranda v. Arizona; Ernesto Miranda apparently confessed to rape and kidnapping charges put against him, and was sentenced to 20 to 30 years in prison. Ernesto appealed to the Arizona Supreme Court, claiming that the police had obtained his confession unconstitutionally. The Supreme Court reversed his conviction because no rights were made aware to Ernesto, thus his confession was unconstitutionally admitted at trial. The Miranda v. Arizona case really impacted law enforcement which led to the Supreme Court creation the Miranda Warning which was written by Chief Justice Earl Warren. (Miranda v. Arizona, 2006)

Miranda Rights or Miranda Warning is a statement of their rights given to a suspect by an arresting officer before the suspect is interrogated. The arresting officer will say the Miranda Rights, “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have a right to an attorney. If you can’t afford an attorney, one will be appointed for you.” The Miranda Rights gives a preventive measure to protect an individual in custody Fifth Amendment and Sixth Amendment rights. The Fifth Amendment part of the Miranda Right is, “The right to remain silent. Anything you say can and will be used against you in the court of law.” The Sixth Amendment part of the Miranda right is, “The right to an attorney. If you can’t afford an attorney, one will be appointed for you. (Miranda, 2009)

The rights given to the citizen covered under the Fifth Amendment is the right against self-incrimination which states, “No person…Shall be compelled in any criminal case to be a witness against himself.” Self-incrimination is where the statement under the Fifth Amendment, “I plead the Fifth.”(Self- incrimination, 2012)The rights given to the citizen covered under the Sixth Amendment is the right to counsel which states, “In all criminal prosecutions, the accused shall enjoy the right… to have the assistance of counsel for his [or her] defense.” The right to council is a right given to every American in a criminal investigation the right to a lawyer. (Right to council, 2012)

There are some circumstances where the Miranda rights are not required, but the Miranda Rights are supposed to be stated during every arrest. The first circumstance if the suspect is not in custody or if in custody there is no intention of interrogation of the suspect. The second circumstance is when a suspect volunteers the information for the case, that’s why the Miranda Rights state, “Anything you say may be used against you in the court of law.” Third circumstance is when at a crime scene and questioning or talking to people who are material witnesses to a crime. The forth circumstance the Miranda Rights don’t cover aliens to our country, or non US citizens. The fifth circumstance are not required if the suspect is under parole. All these circumstances give law enforcement a little freedom to work. (Book, 2010) In summary the Miranda Rights are a protection for the law, and helps citizens to understand their constitutional rights under the Fifth and Sixth Amendments.

**Cited Works**

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