

**B. Your Fifth Amendment Rights: Miranda v. Arizona**

**1. Before any “Custodial Interrogation,” the police must inform you of the following:**

- a. You have a right to remain silent.
- b. Anything you say can and will be used against you in a court of law.
- c. You have the right to an attorney, either retained or appointed.

**2. What does “Custodial Interrogation” mean?**

- a. This means that you have been taken into custody or otherwise deprived of your freedom of action.
- b. In other words, if the police arrest you, or if you aren't allowed to leave the place of questioning.

**3. What if I answer some questions, but then decide I want a lawyer?**

- a. If you decide to have a lawyer present during questioning, then the police must stop questioning you until the lawyer gets there.

## SHOULD THE CONFESSION BE ALLOWED?

Consider the following Scenarios. Have the defendant's Miranda rights been violated? Indicate whether you Strongly Agree, Agree, Can't Decide, Disagree, or Strongly Disagree with the court's decision.

1. **Benny was arrested by New York Police and charged with the armed robbery of a taxicab driver. While Benny was in jail waiting for his trial, a new York undercover officer was placed in Benny's cell. Before the officer asked any questions, Benny said that he had robbed the cab driver. Benny's statement was used against him at trial, despite his objection that he was not read his Miranda Rights, in violation of the Fifth Amendment. The court should allow the statement.**

Strongly Agree      Agree      Undecided      Disagree      Strongly Disagree

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2. **Rhode Island police officers arrested Jared on suspicion of shooting a local taxicab driver in the head, and then burying the body nearby. Jared was read his Miranda rights, and indicated that he wished to speak to a lawyer. On the way to the station, the police began talking to each other about the murder, while Jared listened in the back seat. Then, without warning, Jared admitted to the murder. At his trial, Jared argued that the police had coerced him into admitting to the murder, and that his Fifth Amendment rights had been violated. The court should allow the statement.**

Strongly Agree      Agree      Undecided      Disagree      Strongly Disagree

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3. **Robert Berkemer was driving 40 mph in a 25 mph zone when he saw the flashing lights of a patrol car behind him. He dutifully pulled over to the side of the road. The officer approached him, and requested that he step outside of the vehicle. Robert stepped out of the car, and the officer asked him whether or not he was aware of how fast he was going. In response to the officer's questioning, Robert admitted that he had been speeding. At his traffic hearing, Robert argue that because he was detained and interrogated without receiving his Miranda warnings, his confession should not be admitted. The court should allow Robert's confession.**

Strongly Agree      Agree      Undecided      Disagree      Strongly Disagree