

## Case Brief

In this essay I would like to examine the background of one of the landmark cases in the US history. I'll be presenting the case of *Miranda v. Arizona*. It was heard in the jurisdiction of state Arizona in 1966 and it sets a precedent which influenced the process of arresting, interrogating and detaining people by the police. I will divide my writing into 3 essential segments:

1. Facts of the case
2. Legal issue involved connected with argumentation of the US Supreme court
3. Conclusion

### Ad 1.

Firstly, as I've already mentioned, I would like to provide you some facts of what exactly happened. The whole case was commenced by arresting Mr. E. Miranda, who was accused of committing serious crimes such as rape, kidnapping and robbery. Neither at the police station, nor prior to his arrival there, was he informed about his constitutional rights for an attorney or his privilege against self-incrimination. These rights are grounded in the Fifth (right against self-incrimination) and Sixth (right to the assistance of the attorney) Amendment of the US Constitution. During the following interrogation Miranda allegedly confessed to his unlawful behavior, he had also signed a statement with a build-in clause that he fully understands his rights, which was, as it will be later in the text explained, void. It was recorded by the police officers and used later in the courtroom, which resulted in his imprisonment for a long time. However, Mr. Miranda was fully aware of his rights and appealed to the Arizona Supreme court, claiming that his confession was obtained in the contradiction to the law. This higher instance upheld the decision of lower court, which resulted in the appeal to the US Supreme court. This court, as an highest judicial authority in the United States ruled, that such evidence are not admissible. That his right to a due process had been violated and ordered a retrial. Nevertheless, Mr. Miranda was found guilty again and was sent to the jail for 20-30 years.

### Ad 2.

Moreover, I would like to examine the area of legal issues involved in this case., I will try to name them and also provide the solution, according to the Supreme courts arguments. So, in my opinion, there can be identified 2 main legal questions, i.e.:

2.1. Whether "statements obtained from an individual who is subjected to custodial police interrogation are admissible against him in a criminal trial"<sup>1</sup>

2.2. Whether "procedures which assure that the individual is accorded his privilege under the Fifth Amendment to the Constitution not to be compelled to incriminate himself are necessary"<sup>2</sup>.

### Ad 2.1.

Especially this issue is connected with the 5th and 6th Amendment to the US constitution, which were incorporated from the Bill of Rights and form an imminent part since 1791. They stipulate the rules, which protect US citizens from being bullied by the government authorities and set forth rights of accused in a criminal proceedings. This rules were, pursuant to the judgement of the US Supreme court, broken in pertinent case. Quoting the court "[I]t is clear,

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<sup>1</sup> *US Courts: Educational Resources: Classrooms to Courtrooms: Fifth Amendment: Miranda v. Arizona: An Overview and Discussion Questions* [online]. Administrative Office of the US Courts [cit. 13.11.2012]. Dostupné z: <http://www.uscourts.gov/>

<sup>2</sup> *US Courts: Educational Resources: Classrooms to Courtrooms: Fifth Amendment: Miranda v. Arizona: An Overview and Discussion Questions* [online]. Administrative Office of the US Courts [cit. 13.11.2012]. Dostupné z: <http://www.uscourts.gov/>

that Miranda was not in any way apprised of his right to consult with an attorney and to have one present during the interrogation, nor was his right not to be compelled to incriminate himself effectively protected in any other manner. Without these warnings [his] statements were inadmissible. The mere fact that he signed a statement which contained a typed-in clause stating that he had 'full knowledge' of his 'legal rights' does not approach the knowing and intelligent waiver required to relinquish constitutional rights."<sup>3</sup>, the answer to the first question stated is more than clear.

Ad 2.2.

This is, in my opinion, more of a philosophical question, so there could be no right or wrong answers. But according to the praxis after this case has been closed, such procedures are definitely a necessity. I mean not everyone is a lawyer, right? Not everyone is fully aware of his rights, even those grounded in the constitution. Therefore, there has to be a procedure, prior to the interrogation, which ensures that anyone arrested is acknowledged with his rights. It is also advantageous for the police itself. By using such procedures, it preserves the admissibility of assertions pronounced after the suspect had been arrested.

Ad 3.

Miranda vs Arizona case, could be considered as one of the most important cases in the history of US Law. It revolutionized the criminal proceeding itself, in a significant way, by setting a standard of so called "Miranda rights", which are being read to everyone arrested in the US. Nowadays, reading these few sentences, is considered as one of the premises of due process by many US judges. It has even given rise to the word "Mirandize" which means "to read a Miranda warning".

P.S.: Miranda Warning: "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense."<sup>4</sup>

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<sup>3</sup> Infoplease: *History and Government: Supreme Court: Cases: Miranda v. Arizona* [online]. Pearson Education [cit. 13.11.2012]. Dostupné z: : <http://www.infoplease.com/>

<sup>4</sup> *U.S. Constitution: Constitutional Topics: Miranda Rights* [online]. Craig Walenta [cit. 13.11.2012]. Dostupné z: <http://www.usconstitution.net/>