

5th Amendment/6th Amendment:

Miranda v. Arizona 1966

- 1) Rules regarding how it is said (California v. Prysock 1981)
 - a. Verbatim/order (no)
 - b. paraphrased
 - 2) Juveniles vs. Adults
 - a. School (J.D.B. v NC)
 - b. Book In Room
 - c. Car Stop
 - 3) When does it apply (Miranda v. Arizona 1966)
 - a. Custody (meaning? Handcuffed? Locked in a room? Reasonable person)
 - b. Questioning (about what specifically?)
 - c. Does severity of crime matter? (Berkemer v McCarty 1984)
 - 4) Spontaneous or Excited Utterances (Davis v. Washington 2006)
 - a. pre-miranda, are they admissible in court?
 - b. Was statement to police “testimonial” or “non-testimonial” in nature
 - 5) How soon to redo/restate Miranda if originally invoked (Maryland v. Shatzer 2010)
 - a. in jail
 - b. another detective interviews?
 - 6) Invoking Miranda (does suspect have to be) (Berghuis v. Thompkins 2010)
 - a. explicit
 - b. implicit (no)
 - c. Poor English?
 - 7) Exceptions (New York v Quarles 1984)
 - a. Public Safety
 - b. Routine Booking questions
 - c. Jail House Informant (even if an undercover officer)
- You have the right to remain silent when questioned.
 - Anything you say or do may be used against you in a court of law.
 - You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future.
 - If you cannot afford an attorney, one will be appointed for you before any questioning, if you wish.
 - If you decide to answer any questions now, without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney.
 - Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?