Case Brief # 4

[Name of the Writer]

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According to the fifth amendment of the constitution every person is the US should

**Statements of facts**

Ernesto Miranda was arrested at his home for raping an eighteen-year-old woman and was bought to a police station for questioning. However, during or before the interrogation he was not informed about his rights that is the right to remain silent or the right to have a lawyer. After the interrogation was completed Miranda signed the written confession and gave the oral confession accepting all the charges against him. This confession was used against him during the trial and he was charged guilty.

**History**

The initial trial held in the Arizona court found Miranda guilty of rape and kidnapping. However, upon his appeal to the Supreme Court the decision remained as same as Miranda never asked for the lawyer. Miranda then appealed to the Supreme Court of the united states for the review of the decision (Schrock & Collins, 1978).

**Issues**

In the light of the fifth amendment whether the statements taken during interrogation from an individual without being informed about the rights are admissible against the person during the criminal trial?

**Judgement**

Chief Justice of the Supreme Court of the US Warren led the majority in Reversal.

**Rule of Law and Reasoning**

According to the law when an individual is taken into custody, the right against self-incrimination required a person to be informed about the rights he possesses.

In the above-mentioned case, Miranda was unaware of his legal rights and was not informed about them prior to the interrogation so the confession he made was not considered as the evidence against him during the trial. (Saltzburg, 1986).

**Held**

The Court held that law enforcement individuals using trickery to obtain confessions by putting a person in a vulnerable state is the violation of the US constitution. An individual must be informed about his or her right to remain silent and right to demand a lawyer prior to the interrogation. Although it is up to a person whether to use the right or not.

**Dissent**

* According to Justice Tom Clark argued that there is not enough evidence that demonstrates the need to apply the new rule.
* According to Justice Harlan the new rule will interrupt the job of the police and when the warrant is present then the constitution does not prohibit any intrusions by the law enforcement officials.
* According to the Justice White, no evidence supported that confessions taken during police interrogation are coerced and the presence of lawyer does not ensure less coercive interrogation

**Follow-Up**

Although Miranda’s conviction was overturned yet he was convicted and sentences 30 years in prison. However, this time the confession he made was not used against him as evidence during a trial (Schrock & Collins, 1978).

**References**

Schrock, T. S., Welsh, R. C., & Collins, R. (1978). Interrogational Rights: Reflections on Miranda v. Arizona. *S. Cal. L. Rev.*, *52*, 1.

Saltzburg, S. A. (1986). Miranda v. Arizona Revisited: Constitutional Law or Judicial Fiat. *Washburn LJ*, *26*, 1.