

Miranda Rights

Anyone who has watched a television show about law enforcement has heard a police officer read the suspect his or her Miranda Rights. After placing the suspect under arrest, the officer will say something similar to: “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 cannot afford an attorney, one will be appointed for you.”

Miranda Rights were created in 1966 as a result of the United States Supreme Court case of *Miranda v. Arizona*. The Miranda warning is intended to protect the suspect’s Fifth Amendment right to refuse to answer self-incriminating questions.

What do my rights mean?

When contacted by the police, individuals have the duty to stop and if requested to identify themselves. That is all. Although it would best serve to be polite and courteous.

You have the right to remain silent. This means it is your constitutionally protected right. To exercise your right, you must remain silent. The way to ensure protection of this right is to state: “I am only willing to speak with you if I have an attorney present.” It is the request for an attorney that protects further questioning.

Anything you say can and will be used against you in a court of law. This means what it says. There is no statement that can be made that will benefit you. You are being told, all statements will be used against you. There is no assurance that a helpful statement will be reported accurately, if at all.

You have a right to an attorney. This means it is your constitutionally protected right. You may ask for an attorney, and keep asking for an attorney – meanwhile remember, you have the right to remain silent.

If you cannot afford an attorney, one will be appointed for you. This means it is your constitutionally protected right, whether or not you can afford an attorney. It means what it says. You may ask for an attorney, and keep asking for an attorney – meanwhile remember, you have the right to remain silent.