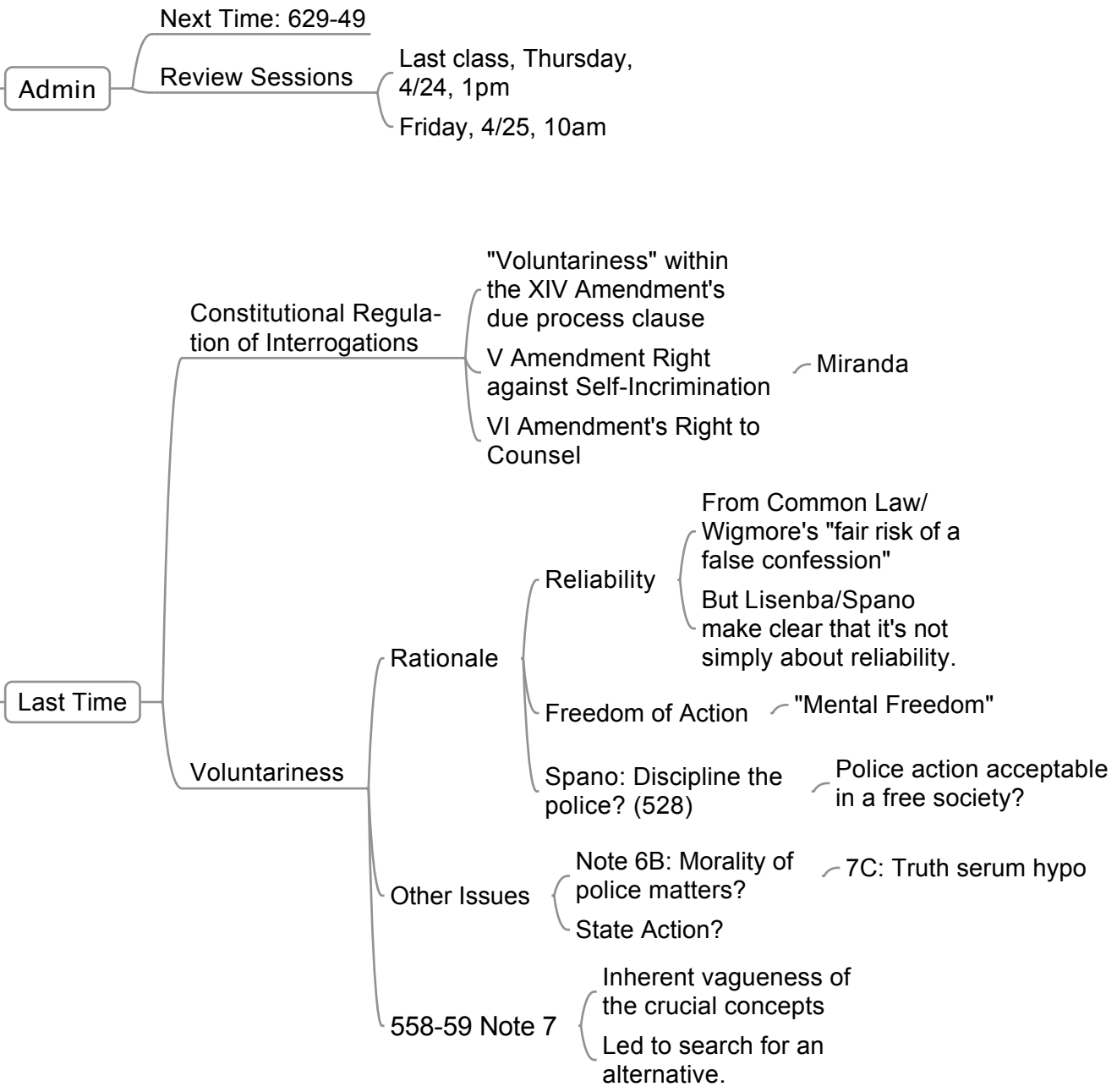


Class 22: Miranda



Class 22: Miranda

Self-Incrimination

Phases of a Criminal Trial

- Investigation { Everything thus far
"Targets" or "suspects"
- Indictment { Formal Accusation of crime
Before Grand Jury
Probable Cause
For less serious crimes: Criminal Information { More like a complaint in a civil case
Piece of paper filed with a court
Followed by a preliminary hearing
- Arrest
- Arraignment { Charging document is read in presence of defendant, and defendant is asked to enter a plea
- Pre-Trial Motions
- Discovery
- Trial
- Sentencing

Class 22: Miranda

Miranda

Facts

Pretty unimportant
Arrest, interrogation (in special interrogation room, cut-off from outside), no warnings given, confession

Held

The prosecution may not use statements

inculpatory
exculpatory

stemming from custodial interrogation

questioning initiated by LE officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way

unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination

Unless other fully effective means are adopted:

Warnings

- The right to remain silent
- Anything said can be used against him in a court of law
- Right to an attorney
- If you cannot afford an attorney, one will be appointed for him

Waiver

Reasoning