

Understanding Miranda Warnings

Have you heard this before? "You have the right to remain silent. Anything you say can and will be used against you in a court of law." Many individuals believe that a police officer has to provide every person whom they stop or with whom they speak their Miranda warnings. However, that is not accurate. The Supreme Court has outlined who needs to be informed of these rights and when.

While, Miranda statements are derived from the famous Supreme Court case, *Miranda v. Arizona*, the rights do not have their origin in that case. Rather, the freedoms that we refer to as the Miranda rights are constitutional freedoms which the court determined needed to be provided to certain persons in police custody.

The specific constitutional freedoms that are typically referred to as the Miranda rights include the right to remain silent, the right against self incrimination and the right to an attorney during questioning and in court. The court also ruled that the warnings contain at least the same level of specificity as it set out in its ruling and that the warnings be meaningful for the persons being questioned.

Some jurisdictions add additional warnings to the typical Miranda statements that they think are important for the people in their jurisdictions. For example, some border states require police to tell suspects that if they are not U.S. citizens that they have the right to contact their country's consulate.

The Miranda warnings need to be spoken by a law enforcement official to the person who is a criminal suspect and in state custody before they begin to question the individual about the circumstances surrounding the legal matter. The person is considered to be in police custody if a reasonable person would believe that his or her freedom to leave is impeded, regardless of whether the officers have formerly arrested the person.

To allow incriminating evidence admissible at trial, officials need to provide the individual with his or her Miranda warnings prior to finding the evidence. A person who is in police custody must be informed of their rights before any police questioning. If the individual is arrested and the officials do not intend to question the person then the Miranda warnings do not have to be provided.

About the Author

If you have been charged with a violent or [marijuana crime in Northern New Jersey](#), do not speak to the police. Anything you say can and will be used against you in the court of law. Talk with a local [Freehold New Jersey criminal lawyer](#).

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