**5th Amendment/6th Amendment:**

**Miranda v. Arizona 1966**

1. Rules regarding how it is said (California v. Prysock 1981)
   1. Verbatim/order (no)
   2. paraphrased
2. Juveniles vs. Adults
   1. School (J.D.B. v NC)
   2. Book In Room
   3. Car Stop
3. When does it apply (Miranda v. Arizona 1966)
   1. Custody (meaning? Handcuffed? Locked in a room? Reasonable person)
   2. Questioning (about what specifically?)
   3. Does severity of crime matter? (Berkemer v McCarty 1984)
4. Spontaneous or Excited Utterances (Davis v. Washington 2006)
   1. pre-miranda, are they admissible in court?
   2. Was statement to police “testimonial” or “non-testimonial” in nature
5. How soon to redo/restate Miranda if originally invoked (Maryland v. Shatzer 2010)
   1. in jail
   2. another detective interviews?
6. Invoking Miranda (does suspect have to be) (Berghuis v. Thompkins 2010)
   1. explicit
   2. implicit (no)
   3. Poor English?
7. Exceptions (New York v Quarles 1984)
   1. Public Safety
   2. Routine Booking questions
   3. 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?