

Mario Gunde Peters & Kelley Share the Importance of Miranda Rights

MERRITT ISLAND, FL, UNITED STATES, March 27, 2024 /EINPresswire.com/ -- Whenever the police ask questions about a crime, one should use their [Miranda rights](#) to remain silent and contact a criminal defense attorney as soon as possible.

Never answer police questions without a lawyer or try to talk your way out of an arrest in Florida or any state, for that matter.



Miranda Rights

It doesn't matter if one is innocent, guilty, or somewhere in between. The police can often find a reason to arrest someone who keeps talking. If already arrested or expecting to be questioned about a crime, get help now from a [qualified criminal law firm](#) if arrested in Brevard County, Florida.

FAQs About Using Miranda Rights

What are Miranda rights?

The Miranda rights are a set of rights that police officers in the United States are required to inform criminal suspects of before they can question them. The rights are named after Ernesto Miranda, who was convicted of kidnapping and rape in 1966. Miranda's conviction was overturned by the Supreme Court on the grounds that he had not been informed of his rights before he was questioned.

The Miranda rights are:

"You have the right to remain silent.

Anything you say can and will be held against you in a court of law.

You have the right to an attorney.

If you cannot afford an attorney, one will be appointed to you."

Miranda warnings: when do they occur?

Miranda warnings must be given before a custodial interrogation. A custodial interrogation is when a suspect is in custody and is being questioned by the police in a way that is likely to elicit an incriminating response.

Custody means that the suspect is not free to leave. The police may have arrested the suspect or placed the suspect in a situation where they would reasonably believe that they are not free to leave.

Interrogation means that the police are asking questions that are designed to elicit an incriminating response. This includes questions about the crime the suspect is suspected of committing and about the suspect's alibi or other defenses.

If a suspect is in custody and being interrogated, the police must read the Miranda warnings to them before they begin questioning. If the police do not read the Miranda warnings to the suspect, then any statements that the suspect makes during questioning may not be admissible in court.

There are a few exceptions to the Miranda rule. For example, the police do not have to read the Miranda warnings to a suspect if the suspect is not in custody or if the police are not interrogating the suspect. Additionally, the police do not have to read the Miranda warnings to a suspect if the suspect is in custody, but the police are only asking general questions about the suspect's identity or background.

If a police officer fails to read my Miranda rights during an arrest, what happens?

If a police officer fails to read Miranda rights during an arrest, any statements made during a custodial interrogation may not be admissible in court. This is known as the exclusionary rule, a legal doctrine that prevents the government from using evidence obtained illegally against a defendant in a criminal trial.

The exclusionary rule is based on the idea that the government should not be rewarded for violating a defendant's constitutional rights. In the case of Miranda rights, the Supreme Court has held that the exclusionary rule is necessary to deter police officers from interrogating suspects without informing them of their rights.

It is important to note that the exclusionary rule does not mean that one will be automatically acquitted of all charges if the police fail to read their Miranda rights. The exclusionary rule only applies to statements made during custodial interrogation. If the police have other evidence against a suspect, such as physical evidence or eyewitness testimony, they may still be able to prosecute and convict.

However, the exclusionary rule can still be a powerful tool for defending against criminal charges. If the police fail to read Miranda rights and one makes incriminating statements during custodial interrogation, those statements may be suppressed and not used against them in court. This can make it much more difficult for the prosecution to prove its case.

Any evidence obtained after the suspect should have been Mirandized is inadmissible and cannot be used against them. Do not rely on the police or prosecutor to disregard this evidence on their own. Hiring an [assertive criminal defense lawyer](#) in Florida who is familiar with Brevard County and can fight for your rights is essential.

How soon do I have to answer police questions?

If the police ask questions, politely decline to answer any questions until speaking to an attorney. Explain the desire to exercise the right to remain silent.

If in custody, do not answer any questions until speaking to an attorney. The police may try to pressure one into talking but try to resist. Anything said can be used in court.

If not in custody, answer police questions if desired. However, know that anything said can be used in court, even if one is not in custody.

If unsure whether to answer police questions, always consult with an attorney. An attorney can help one understand their rights and protect legal interests.

What is the best way to exercise my right to remain silent?

The best way to exercise the right to remain silent is to be clear and direct with the police. Say something like,

"I am exercising my right to remain silent and would like to speak to an attorney." Or say, "I am not answering any questions until I have spoken to an attorney."

Being polite but firm when exercising the right to remain silent is important. Do not argue with the police or try to explain why. Simply state that the desire to exercise the right to remain silent and the desire to speak to an attorney.

While one always has the right to remain silent - including before being Mirandized - in some situations, it must be invoked verbally. Otherwise, even silence could be used against a person as "evidence" of guilt. Even when Miranda rights are delivered, it is good to declare that questions will not be answered and the desire to speak with a lawyer immediately.

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