

The Miranda Law In Arkansas



**Hi, I'm LynMarie,
Super Small
Business
Consultant and
Attorney.
Do you know your
Miranda rights? If
you are in police
custody and
subject to
interrogation,
here's what you
need to know.**

What Exactly Are My Miranda Rights?

In Arkansas, and the rest of the United States as a whole, Miranda Rights are crucial protections for any individual who has been arrested and held in police custody for interrogation. Miranda Rights are based on the 5th, 6th, and 14th Amendments.

The Police must inform the person being arrested of the following Miranda rights:

- **The right to remain silent, and if you do say anything, it can be used in a court of law against you.**
- **The right to consult with an attorney, and to have the attorney present during questioning. If you cannot afford an attorney, one will be appointed for you if you desire.**

Note that the police do not need to say these rights in a particular order, they just have to convey them to the accused person.

When Must The Police Read A Person Their Miranda Rights?

The police do not have to issue Miranda rights every time they question or talk to someone. When the police arrest or detain a person, that person is considered to be in police custody, so the police should read them their Miranda rights.

How Do I Invoke or Waive My Miranda Rights?

To invoke your Miranda rights, it is acceptable for you to say you are choosing to remain silent and that you want an attorney. The interrogation is then halted. If you just remain silent without giving any indication that is what you are choosing to do, the questioning may continue.

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

WAIVER

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

Note that invoking your Miranda rights is not considered a “one-time deal” and that a person may invoke their Miranda rights at any time during an interrogation or after answering some questions. Once you have invoked your Miranda rights, the interrogation must stop.

When a person waives their Miranda rights, police can continue the interrogation. A person must waive their rights voluntarily, without any coercion from the police. They can also let their attorney know that they are waiving their Miranda rights. A person is never obligated to waive their Miranda rights and can invoke them at any time.

What Happens When The Police Do Not Issue A Miranda Warning?

If the police fail to issue the Miranda warning before starting the interrogation, the information gathered is deemed inadmissible in court. Failure to give the Miranda warning does not mean all charges will be dropped, or that all the evidence cannot be used at trial. It does mean that the prosecution cannot use evidence obtained in violation of the Miranda rule to prove guilt.

Note there are some exceptions to the rule, for example, the police can interrogate you without reading you your Miranda rights, as long as the statements obtained are not used against you at trial. In Arkansas, if a law enforcement officer takes a juvenile into custody for a criminal or delinquent offense, they must advise the juvenile of their Miranda rights in the juvenile's native language.

Know Your Rights, Ask For A Lawyer

If you are arrested and facing interrogation by the police, ask for a lawyer before you answer any questions. An experienced lawyer can help you understand the charges against you and advise you during the police interrogation process so that your rights remain protected.

