Miranda Warning Scenarios

Scenario 1
Joe was questioned at school by administrators with other staff about an alleged assault. An audio recording of his statement was made. Joe was told that his grandfather was suspected of a crime. No Miranda warnings were given to Joe. Joe admitted his grandfather’s involvement in the crime. Joe was told to speak to a police officer on scene and provide a written statement and he would then be allowed to go home. Joe did as instructed. Was Joe in custody at the time he made a statement to the police? Was Joe being interrogated? Are Miranda warnings required? Explain your answer.

Scenario 2
Adrian and Alan were involved in a car accident. The officer arrived shortly after the accident to investigate. The officer asked both Adrian and Alan who was driving and both say it was Adrian. Later the crime scene investigation revealed that Adrian’s injuries were consistent with sitting in the passenger seat during the accident not the driver’s. The officer confronted Adrian and Alan with this information and they both then admitted that Alan was the driver. The officer smelled alcohol on Alan’s breath. The officer administered field sobriety tests. Alan failed the tests, was placed under arrest, and read his Miranda warnings. Was Alan in custody when he admitted to being the driver? Was Alan being interrogated? Explain your answer.

Scenario 3
The officer observed Denyse driving erratically. The officer turned on the emergency lights, but Denyse failed to yield to the officer. The officer turned on the siren and Denyse still failed to yield. Denyse finally stopped when she got to her friend Lesley’s house. The officer instructed Denyse to get out of her car. Denyse said “No! I know my rights. Mr. Marquez taught me!” The officer pulled Denyse out of the car, put her on the ground and handcuffed her. The officer stood her up, smelled marijuana around her and coming from her vehicle, and noticed that her eyes were bloodshot and watery. Denyse swayed, staggered, and was argumentative and combative. Seven minutes after the stop another officer arrived and asked the defendant if she had been smoking. Denyse admitted to taking “a couple of hits, NBD.” No Miranda warning was given. Was Denyse in custody? Was Denyse interrogated? Were Miranda warnings required? Explain your answer.

Scenario 4
Carlos was taken into custody for destruction of school property. He was told by guards that an officer was coming to talk to him. Carlos voluntarily decided to speak with the officer to clear up how he crashed and wrecked the school golf cart. Carlos was not restrained. He was told he was free to leave at any time. Carlos was not read his Miranda warnings. Carlos gave a statement about the golf cart accident claiming he wasn’t responsible for the accident because he was under the effects of prescription pain medication for a sports injury. Carlos is now charged with driving under the influence. Was Carlos in custody? Was Carlos being interrogated? Was a Miranda warning required? Explain your answer.
Scenario 5
Meghan is 12 years old. One night she calls 911 to report that she accidentally shot her father. The police arrive at her home and pronounce her father dead at the scene. Meghan claims the shooting was accidental. After the police left in the days that followed, Meghan made several statements to friends and family members that indicated the shooting was not accidental and was actually intentional. Can these statements be used against Meghan at her trial for the murder of her father?

Scenario 6
Police officers are called to Jessica’s apartment building at 2:00 a.m. in response to a loud music complaint. Police knocked, heard “scuffling” inside, but twenty minutes went by before someone opened the door. The officers could smell marijuana and alcohol. Ten to fifteen individuals were inside the apartment along with beer cans all in plain sight. Jessica, who is 16, had an odor of alcohol on her breath. An officer had the Jessica step outside onto the stairway of the apartment where he asked Jessica whether she had consumed any alcohol. Jessica said two beers. Is Jessica in custody? Is this an interrogation? Are Miranda warnings required? Explain your answer.

Scenario 7
Upon receiving a citizen’s complaint that individuals were selling drugs, a Sunland Park police officer approached Cesar and David, both juveniles, on the street. They matched the description of the drug dealers. Both subjects were very nervous and wearing heavy clothing that could have concealed weapons. While doing a pat-down search of the David, Cesar kept turning his body sideways as if preparing to attack the officer. Concerned for his safety, the Officer decided to do a pat-down search of the Cesar as well. He asked Cesar if he had any syringes with needles on him. Cesar said no but volunteered that he had some marijuana, and handed the Officer a plastic baggie from his pocket. Was Cesar in custody? Was Cesar being interrogated? Were Miranda warnings required? Explain your answer.