

Confessions And Admissions After A Request For A Lawyer

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Introduction:

In this case study, a suspect was arrested from the department store based on the suspicions presented by the security guard. Along with this, the suspects were placed under cuffs at the scene of the crime by Officer Martinez. Once the suspicion was confirmed, the suspect was explained about his [Miranda rights](#) by the office; on explaining the rights, he further mentioned that he needed a lawyer, which then led to his transfer towards the local jail ("Miranda Rights", 2020). In this paper, an overview of Constitutional amendments related to the case, along with the relation with Edward's rules, will be highlighted. Towards the end of the paper, the suspect's confession and its admissibility will be discussed.

Constitutional Amendments Related To The Case:

Based on the situation faced by the current suspect, a constitutional amendment that fits well in the current situation is the Fifth Amendment ("Miranda Rights", 2020). In terms of the Fifth Amendment, different aspects of the criminal procedure, along with other aspects of the Constitution, will be addressed (Murphy, 2011). Moreover, this constitutional amendment addresses the rights against self-incrimination. According to this United States Bill of Rights, individuals are protected from being compelled to witness against themselves in a certain case (Murphy, 2011). One of the common terms used by criminals in terms of the Fifth Amendment is known as "pleading the fifth", moreover, with the help of this bill of rights anything that jeopardizes the rights of the suspects. A fair trial and jury are guaranteed with the help of the Fifth Amendment (Murphy, 2011). By "pleading the fifth" the right of being used as a witness and question/answer session with the professionals is removed without any penalty involved. Hence, the defendants are saved from giving any other statement after their initial ones. In this case study, the suspect is made aware of his Miranda rights. After his initial statement, he requested a lawyer highlighting how he pleaded fifth. Moreover, any other question/answer session carried out with the suspect will be done under the supervision of the suspect's lawyer. Research suggests that the Fifth Amendment is a way of ensuring that the suspects can receive their rights in law enforcement.

Relation With Edwards Rule:

Similar to the need for a legal guardian for interrogation with teenagers, the suspects must be provided with an attorney before carrying out any further investigation (Edwards, 2012). Based on Edward's rule, this rule prohibits the police from starting an investigation with the suspect before the arrival of the attorney after the suspect has requested one (Edwards, 2012). In this case, when the initial statement was taken from the suspect, he requested a lawyer. If Officer Martinez had carried out the interrogation after that, it would have been illegal. However, once the suspect requested the lawyer concerning the Edward rule, Officer Martinez was not allowed to carry out any further investigation with the suspect. Hence, the case related to Edward's rules since no other police officers or law enforcement officials who were present during the time of arrest or transfer in jail are allowed to the statement of the suspect.

Suspect's Confession And Its Admissibility:

In the current case study and based on the situation faced by the suspect, in my opinion, the confession made by the suspect is not admissible. Suspect made his confession after the Miranda rights were read to him ("Miranda Rights", 2020). From this, it can be inferred that the confession of the suspect might be because of the reason that he was unable to listen to Miranda rights. Moreover, the confession might be due to the reasons that the suspect knowingly and intelligently surrendered considering his confession will not be admissible. Other than this, the suspect invoked his right to the attorney. With the right invoked towards an attorney, any other statement made by the suspect in front of the police officer or any of the law enforcement officers will not be admissible for the court trial if the case goes to trial ("Miranda Rights", 2020). Based on Edward's rule, his statement in front of police officers will not be admissible after he requested an attorney. When the suspect is provided with the attorney, any statement made by him will be admissible and included as an official record for the course trial.

Conclusion:

To conclude, in this case study, the suspect was made aware of Miranda rights after he made his statement. After that, the suspect requested an attorney. Based on the current situation, a constitutional amendment that fits well in the current situation is the Fifth Amendment, as with the help of this amendment, the suspect will prevent himself from being presented as a witness in his own case (Murphy, 2011). A fair trial and jury are guaranteed with the help of the Fifth Amendment (Murphy, 2011). By "pleading the fifth" the right of being used as a witness and question/answer session with the professionals is removed without any penalty involved. Moreover, this case study relates to the Edward rules as the suspect requested an attorney, after which no police officer or law enforcement officer is allowed to take a statement from the suspect unless his

attorney is present(Edwards, 2012). Towards the end of the case study, the statement of the case study is not acceptable and admissible as he gave his statement after Miranda rights were explained to him(“Miranda Rights”, 2020).

References

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