

What Are Miranda Rights? *An Atlanta Criminal Lawyer Explains*

In the United States, the Miranda rights (also called the Miranda warning or “reading you your rights”) are the warning that police give to criminal suspects in police custody or a custodial interrogation. The Miranda warning makes the evidence admissible in court because it proves that the suspect was aware of his Miranda rights against self-incrimination when he gave information. While the law enforcement may decline to tell someone their Miranda rights, if they do they cannot use this evidence in the court of law—only as a tool to find other evidence admissible in the court.

Miranda rights were established by the Supreme Court in the 1966 court case *Miranda vs. Arizona*. The Supreme Court did not establish a specific wording for the Miranda warning. However, it did provide guidelines for what must be included in the Miranda warning for it to be viable. Specifically, if a suspect is arrested for an [Atlanta murder](#), they must be informed that they have a right to remain silent, that anything they say will be used against them in court, that they may consult an Atlanta criminal attorney and have the attorney present during questioning, and if they are indigent an attorney will be provided at no cost to them. The Miranda rights do not have to be in any order and do not have to use any specific wording as long as the meaning is conveyed.

Many jurisdictions have different rules about how the Miranda warning works. For details, ask an experienced [Atlanta criminal attorney](#). Because the Miranda warning must be meaningful, in most cases the police officer will ask if you understand these rights, although a “yes” is not required. The Miranda warning must be provided in a language that the arrestee can understand. The prosecutor is not allowed to say or insinuate that silence is a tacit admission of guilt. The Miranda rights may not be necessary in cases of imminent public danger, such as a suspect whose gun is missing.

There are six factors that make the Miranda rights apply:

- Evidence must be gathered;
- The evidence must be a testimony -- not, for example, handwriting samples or DNA evidence;
- The evidence must be obtained when the suspect was in custody;
- The evidence must have been the product of interrogation;
- The interrogation must have been conducted by agents of the state; and
- The evidence must be offered by the state in a criminal prosecution.

If these six factors apply, the police cannot interrogate a person without a knowing and voluntary waiver of the rights -- that is, a waiver by a person who understands the rights and has not been coerced by police into waiving them. If you were arrested or interrogated, and you feel you were not properly read your Miranda rights, call an Atlanta criminal attorney today to discuss your options for recourse, including an [Atlanta appeal](#).