In New Orleans: An undercover trooper arrests a man. Justices will weigh how far police can stretch the law.

Other court cases are upcoming

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not address. The court has said the Miranda warning must be given in a suspect's own language, and when a suspect is a friend of the arresting officer, but not when public safety would be threatened if police stop to read a rampaging criminal his rights.

The court has permitted prosecutors to use confessions that were blurted out by suspects before the suspects were advised of their rights, and when suspects asked for a lawyer but then changed their mind. But it has disallowed confessions given after lawyers left the interrogation room, and when a suspect has fired his lawyer and not yet hired another.

Besides the Seibert case, the Supreme Court soon will hear three other cases that ask how Miranda applies when the suspect is a juvenile, when a suspect has made a pre-warning statement during an informal talk with police and when a suspect has told police not to bother to read him his rights.

"The thing with Miranda is, you always know that it's around. But the question for the cop is, 'What's it mean right now, in my situation?' " says Joseph McNamara, research fellow at Stanford University's Hoover Institution and a former police chief in Kansas City, Mo., and San Jose, Calif. "On TV, it's always clean and neat. But reality isn't TV."

The case that started it all

The Miranda warnings stem from the case of Ernesto Miranda.

Notable cases

In 1966, the Supreme Court ruled that crime suspects must be told of their right to remain silent and offered access to a lawyer before any statements they make can be used in court. Since that ruling in *Miranda vs. Arizona*, the court has revisited the issue at least four dozen times to address a variety of police situations.

Some key rulings since Miranda, including those allowing exceptions to the Miranda requirement:

► ***Harris vs. New York*** (1971) — A statement that a suspect makes before the Miranda warning is given can be used to challenge that person's credibility if he testifies at trial. In this case, a man testified that he had not sold heroin to an undercover detective. Police were allowed to testify that the man had admitted to the sale when he was first arrested.

► ***Michigan vs. Tucker*** (1974) — A witness found by police because of a suspect's statement that was made before the Miranda warning was given may testify against the suspect.

► ***Edwards vs. Arizona*** (1981) — Once a suspect is read his rights and asks for an attorney, an interrogation must stop until the lawyer is provided.

► ***New York vs. Quarles*** (1984) — Before they give a

"Some of us in this program have been encouraging you to continue questioning a suspect after they've invoked their Miranda rights," Daniel McNerney, then an Orange County, Calif., prosecutor, says in a 1996 police training video that is sold by California's Department of Justice. "We want to lock them into their story now, so they can't change it later on."

A Los Angeles Police Department training video made public during a 1996 lawsuit explains the value of "outside Miranda" interviews. Even if a suspect's statements can't be used at trial, the video says, they can be used to clear cases or recover a body, stolen property or weapons. Police have "little to lose and perhaps something to gain" by working around Miranda, says a 1995 bulletin published by the California District Attorneys Association.

Elwood "Sandy" Sanders, a defense attorney and law professor at the University of Richmond in Virginia, explored "outside Miranda" interrogations after one of his clients was questioned by police in Prince William County, Va., after the client had requested a lawyer.

In an article last year in the *Florida Coastal Law Journal*, Sanders said that he had found "willful violations of Miranda" in 21 states and the District of Columbia from 1981 through 1994. In a 2001 article in the *Michigan Law Review*, Charles Weisselberg, a law professor at the University of California-Berkeley, said that 38 state courts had reviewed challenges to "outside Miranda" interrogations.

Trial records examined by Sand-