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Street Law
Model Lesson Plan

LESSON PLAN: CRIMINAL LAW – MIRANDA

TIME: One teaching day (50 minutes)

I. GOALS:

- A.** Students will understand that they are individuals with specific rights when confronted by the police.
- B.** Students will be exposed to the 5th Amendment Constitutional protections regarding arrests and custodial interrogations.

II. OBJECTIVES:

A. Knowledge Objectives - After this class, students will be better able to:

- 1. Understand what the police are required to do and what protections suspects/defendants have in the accusatory stage or once an interrogation becomes custodial.
- 2. Understand the legal standards governing arrests and statements made in the accusatory stage.

B. Skill Objectives - After this class, students will be better able to:

- 1. Analyze a factual situation and determine whether an interrogation occurred and whether incriminating statements are admissible.

C. Attitude Objectives - After this class, students will be better able to feel:

- 1. That they have some control over their situations when confronted by the police.
- 2. That the criminal justice system is a balance between protecting the privacy of individuals and protecting citizens from criminal activity.

III. CLASSROOM METHODS:

A. Write class *objectives* on the board:

- What is a custodial interrogation?*
- When and how can it occur?*
- When can statements made during a custodial interrogation be admissible?*

B. Miranda & Interrogation:

- 1. Before class starts, get two volunteers for roleplay.

2. **Mini-Lecture:**

Explain to students that once arrest has been initiated by the police, police need to follow certain procedures that are meant to ensure that the arrest itself and subsequent events (i.e. police interrogation and possible confession) are fair.

Remind class that last week, we talked about Miranda rights that must be read to an individual when he is arrested by the police. There are also other procedures that must be followed after the arrest. These requirements come from **5th Amendment**. Put up transparency and explain.

3. Pass out the story of Robert Williams and give class couple minutes to read it. Emphasize that we will focus on the events which happen **AFTER** the arrest (explain to class that they will see these events during the roleplay). Explain to class that after roleplay, class will divide into 4 groups to answer the questions on the worksheet.
4. Hand out roleplay and Do the roleplay.
5. Count off 1-4. Should be 4 groups.
6. Hand out Miranda checklist. Tell students to answer each question and **EXPLAIN** each answer. Also tell students that depending on whether the answer is “yes” or “no” will determine whether students proceed on to the next question.
7. **Class Discussion:**
Go around each group and get responses to each question on the list.
Ask students in group why they chose a specific answer and then tell the students the state of the law (from teacher’s version of the Miranda checklist).

C. Evaluation:

- A. Student arguments and their persuasiveness in the first role play.

THE STORY OF ROBERT WILLIAMS

BACKGROUND

On the afternoon of February 14, 1999, a 10-year-old girl named Pamela Powers went with her family to the YMCA in Seattle. When she didn't return from a trip to the bathroom, a search for her began. The search was unsuccessful.

Robert Williams, who had recently escaped from a mental hospital, was a resident of Seattle YMCA. Soon after Pamela's disappearance, Williams was seen in the YMCA lobby carrying a large bundle wrapped in a blanket. Williams got help from a young boy in opening the street door of the YMCA and the door to his car parked outside. When Williams put the bundle in the front seat of his car, the boy saw two skinny white legs in it. Williams then drove away.

Officer Jones is patrolling an area of Seattle known for its high drug activity. Over a period of 4 hours, he observes a man, later identified as Tom, engage in suspicious activity consistent with "running drugs" (individual would stand on a corner, then approach people in cars and talk with them).

Twenty minutes later, Officer Jones sees Tom walking with Williams. Officer Jones pulls up next to the two men. Based on reasonable suspicion that the two men were engaged in suspicious activity, Officer Jones asks to search their pockets and discovers baggies of cocaine. Officer Jones then arrests both men for possession of cocaine.

EVENTS THAT WE ARE CONCERNED WITH

Williams is now under arrest for the cocaine. *Assume that his arrest is lawful.* After Officer Jones and his partner, Officer Smith, put Williams in the patrol car, he hears over the police radio that Williams fits the description of the man suspected of killing Pamela Powers. Officer Jones is positive that he has the right man and now wants to know where the murder weapon is in order to link Williams to the crime.

Roleplay: Should the gun be admissible to prove Williams guilty for the murder of Pamela Powers?

Officer Jones: Read Williams his Miranda rights. Put Williams in the car.

You are now driving to the stationhouse. Williams is in the backseat of the car.

Williams: *"Do you think I should get a lawyer?"*

"I think I might want my lawyer."

Officer Jones: (speaking to your partner, Officer Smith):

"You know, I patrol this area everyday. Did you know there's a school for disabled children right down the street?"

Officer Smith:

"Yeah, there are a LOT of disabled children running around here. Can you imagine what a tragedy it would be if one of them found the weapon and then hurt themselves?"

Officer Jones: *Man, that would be awful. Also, whoever left the weapon in an area where a child could find it would then be responsible for the child's death – a certain lifetime imprisonment."*

Williams: (breaking down crying)..*"WAIT!, I'll show you where the gun is!..I know where the gun is that killed the little girl!"*

**ADMISSIBILITY OF WILLIAMS' STATEMENT AND GUN
MIRANDA ANALYSIS**

1. Was Williams in custody?

If no: Then statement and gun admissible.

If yes: Then see next question.

"Custody": Individual not free to leave the presence of police.

2. Was Williams "interrogated" by the police?

If no: Then statement and gun admissible.

If yes: Then see next question.

"Interrogation": •Express questioning or any words/actions by police that police should know would elicit incriminatory statements from suspect.
•Conversation between two police officers is not an interrogation. (Rhode Island v. Innis)

3. Was Williams advised of his Miranda arrest when arrested?

If no: Then statement and gun inadmissible (*unless* public safety reason justifies not reading Miranda

rights before arrest).

If yes: Then see next question.

Question: Was there a public safety emergency in this scenario?

4. Did Williams invoke right to silence?

If no: Then see next question.

If yes: Then statement and gun inadmissible (*unless* police stop questioning, take a break, and resume

questioning after giving another set of

Miranda warnings and

defendant waives his rights).

Question: Did Williams waive his right to silence once he started speaking to the police officers?

5. Did Williams invoke right to counsel?

If no: Then see next question.

If yes: Then statement and gun inadmissible if questioning started first by police. (*unless* Williams started talking first)

°If Williams did invoke right to counsel, then police officers cannot initiate questions

about a crime other than the one for which Williams asserted counsel for.

(Roberson)

◦ "I think" or "I may" want a lawyer is ambiguous and not considered an invocation of the right to counsel.

6. Did Williams waive his Miranda rights?

If no: Then statement and gun inadmissible.

If yes: Then statement and gun admissible.

Question: Waiver must be knowing and intelligent. So is there a question that Williams gave an invalid waiver because he was a mental patient.

ADMISSIBILITY OF WILLIAMS' GUN MIRANDA ANALYSIS

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2. Was Williams “interrogated” by the police?

If no: Then statement and gun admissible.

If yes: Then see next question.

3. Was Williams advised of his Miranda arrest when arrested?

If no: Then statement and gun inadmissible (*unless* public safety reason justifies not reading Miranda rights before arrest).

If yes: Then see next question.

4. Did Williams invoke right to silence?

If no: Then see next question.

If yes: Then statement and gun inadmissible (*unless* police stop questioning, take a break, and resume questioning after giving another set of Miranda warnings and defendant waives his rights).

5. Did Williams invoke right to counsel?

If no: Then see next question.

If yes: Then statement and gun inadmissible if questioning started first by police. (*unless* Williams started talking first)

6. Did Williams waive his Miranda rights?

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5th AMENDMENT

No person shall be compelled in any criminal case to be a witness against himself.

*The 5th Amendment protects against self-incrimination.

*Self-incrimination means testimony that would give evidence that individual reasonably believes could be used against him or her in a criminal case.

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Purposes of 5 th Amendment:	-Protects individual from being forced into giving a false confession out of
	fear.
innocent.	-Protects society by convicting the guilty and not the
on part of the	-Encourages good, fair police work and discourages cruelty
	police.
is innocent until	-Preserves our criminal justice system that says a defendant
	proven guilty.