**Miranda Warning Scenarios Worksheet Key**

**Scenario 1**

*Probable cause to arrest must be developed by the defendant providing information to law enforcement or law enforcement providing information to the defendant. The development of probable cause does not automatically establish custody. The development of probable cause combined with other information must lead a reasonable person to believe that he or she is in custody.*

*The defendant voluntarily met with law enforcement at her place of work with others present. The interview lasted 18 minutes. The defendant was allowed to leave after giving a written statement at the police department. There was a development of probable cause, but the defendant was allowed to leave and was not under restraint. Based on the totality of the circumstances, the defendant was not in custody (the oral admission was admissible).*

*No, she was NOT in custody.*

**Scenario 2**

*A traffic stop does not constitute “custody” for Miranda purposes. However, the subsequent events may cause a noncustodial encounter to escalate into a custodial one. The mere fact that a suspect becomes the focus of a criminal investigation does not convert a roadside stop into an arrest. Here, the accident investigation may have become a driving while intoxicated (DWI) investigation after the officer discovered that the wife was not the driver. But at the most, it only escalated a consensual encounter into an investigative detention, not arrest or custody.*

*No, he was NOT in custody.*

**Scenario 3**

*Handcuffing a suspect during an investigative detention does not necessarily transform it into a formal arrest. Was this stop an ordinary traffic stop? No. After the stop, was the defendant subjected to treatment that resulted in her being in custody? Yes. Would a reasonable person in the same circumstances feel they were not at liberty to terminate the interrogation and leave? Yes. The defendant’s admissions on the scene are inadmissible.*

*Yes, she was in custody.*

**Scenario 4**

*While the defendant was incarcerated there was no added imposition on his freedom of movement or any measure of compulsion above and beyond being in prison.*

*The Miranda warning was not required.*

**Scenario 5**

*The defendant was in custody at 1:30 A.M. when she was told that she could not go home.*

*Was she in custody before then? Consider the determining factors:*

* *The length of the interrogation was 15 hours*
* *The defendant’s two requests to see her husband were ignored*
* *The defendant was accompanied by officers to bathroom*

*At 1 A.M. the officers had probable cause for an arrest when the defendant admitted to being at scene. This factor turned the noncustodial encounter into a custodial one. A reasonable person would realize the incriminating nature of this admission.*

*Yes, she was in custody.*

**Scenario 6**

*The defendant was in custody, but asking a defendant to submit to a breath test is not an interrogation. Therefore, his refusal was admissible against him. Remember, the two-prong interrogation test. The requirements for interrogation were not met; therefore, the Miranda warning was not needed.*

*Yes, his refusal was admissible against him.*