

High Court Trims Miranda Warning Rights Bit By Bit

BY JESSE J. HOLLAND
Associated Press Writer

WASHINGTON — You have the right to remain silent, but only if you tell the police that you're remaining silent.

You have a right to a lawyer — before, during and after questioning, even though the police don't have to tell you exactly when the lawyer can be with you. If you can't afford a lawyer, one will be provided to you. Do you understand these rights as they have been read to you, which, by the way, are only good for the next two weeks?

The Supreme Court made major revisions to the now familiar Miranda warnings this year. The rulings will change the ways police, lawyers and criminal suspects interact amid what experts call an attempt to pull back some of the rights that Americans have become used to over recent decades.

The high court has made clear it's not going to eliminate

the requirement that police officers give suspects a Miranda warning, so it is tinkering around the edges, said Jeffrey L. Fisher, co-chair of the amicus committee of the National Association of Criminal Defense Lawyers.

"It's death by a thousand cuts," Fisher said. "For the past 20-25 years, as the court has turned more conservative on law and order issues, it has been whittling away at Miranda and doing everything it can to ease the admissibility of confessions that police wriggle out of suspects."

The court placed limits on the so-called Miranda rights three times during the just-ended session. Experts viewed the large number of rulings as a statistical aberration, rather than a full-fledged attempt to get rid of the famous 1966 decision. The original ruling emerged from police questioning of Ernesto Miranda in a rape and kidnapping case in Phoenix. It required officers to tell suspects taken

into custody that they have the right to remain silent and to have a lawyer represent them, even if they can't afford one.

The court's three decisions "indicate a desire to prune back the rules somewhat," Kent Scheidegger, the legal director of the Criminal Justice Legal Foundation, a victims' rights group. "But I don't think any overruling of Miranda is in the near future. I think that controversy is pretty much dead."

The Supreme Court in 2000 upheld the requirement that the Miranda warning be read to criminal suspects.

This year's Supreme Court decisions did not mandate changes in the wording of Miranda warnings read by arresting police officers. The most common version is now familiar to most Americans, thanks to television police shows: "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak

to an attorney. If you cannot afford an attorney, one will be appointed to you. Do you understand these rights as they have been read to you?"

However, the court did approve one state version of the Miranda warnings that did not specifically inform suspects that they had a right to have a lawyer present during their police questioning.

The Miranda warning used in parts of Florida told suspects: "You have the right to talk to a lawyer before answering any of our questions. If you cannot afford to hire a lawyer, one will be appointed for you without cost and before any questioning. You have the right to use any of these rights at any time you want during this interview."

Lawyers — and the Florida Supreme Court — said that didn't make clear that lawyers can be present as the police are doing their questioning. But Justice Ruth Bader Ginsburg, writing the 7-2 majority decision,

said all the required information was there.

"Nothing in the words used indicated that counsel's presence would be restricted after the questioning commenced," Ginsburg said. "Instead, the warning communicated that the right to counsel carried forward to and through the interrogation."

The next day, the court unanimously limited how long Miranda rights are valid.

The high court said for the first time that a suspect's request for a lawyer is good for only 14 days after the person is released from police custody. The 9-0 ruling pulled back from an earlier decision that said that police must halt all questioning for all time if a suspect asks for a lawyer.

Police can now attempt to question a suspect who asked for a lawyer — once the person has been released from custody for at least two weeks — without violating the person's constitu-

tional rights and without having to repeat the Miranda warning.

"In our judgment, 14 days will provide plenty of time for the suspect to get reacclimated to his normal life, to consult with friends and counsel and to shake off any residual coercive effects of his prior custody," said Justice Antonin Scalia, who wrote the majority opinion.

And finally, the court's conservatives used their 5-4 advantage to rule that suspects must break their silence and tell police they are going to remain quiet if they want to invoke their "right to remain silent" and stop an interrogation, just as they must tell police that they want a lawyer.

All the criminal suspect needs to say is he or she is remaining silent, wrote Justice Anthony Kennedy. "Had he made either of these simple, unambiguous statements, he would have invoked his 'right to cut off questioning.' Here he did neither, so he did not invoke his right to remain silent."

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Vaillancourt, this year's Miss South Dakota. Vaillancourt will act as ring stewardess for the show by handing out ribbons to participants, she said.

"If you want to meet Miss South Dakota, come on down Saturday night," Freng added.

On Sunday, the annual pancake breakfast will start at 9 a.m. and last until noon. The Leaders Association also added a cowboy church, starting at 10 a.m., to help fill up the last day of the achievement days.

The final events of the fair include the show of champions at 11:30 a.m., and the Yankton County 4-H and the South East South Dakota ATV Association ATV Rodeo starting at noon.

The ATV rodeo is back by popular demand, McFarland said.

"If you like to get a little muddy, definitely check it out," she said. "There's a mud pit, and you can sit close enough to get nice and wet."

For fair goers who enjoy the traditional events, this year's Yankton County 4-H Achievement Days has those, too.

According to estimates received earlier this year, the number of sheep and pigs entered should be higher than usual, Freng said. McFarland added that total registration so far is about the same as last year.

"The kids work hard all year long to get their animals ready and get everything together. It's so great to just watch the joy on their faces when they do well," McFarland said.

To pre-register for the points show and for more information about the Yankton County 4-H Achievement Days, go to www.yankton4h.com or visit the Extension office at 9010 Whiting Drive.

SCHEDULE OF EVENTS:

Friday August 6
7:30 a.m. - Lunch Stand opens & Grounds Open to public
8:30 a.m. - Rabbit Show
9:30 a.m. - Poultry & Egg Judging
10:00 a.m. - Swine Show
1:00 p.m. - Old McDonalds Farm
1:00-2:30 p.m. - Barnyard Olympics
2:30 p.m. - Candy Drop
4:30-5:30 p.m. - Dog Agility Demonstration
5:00-7:00 - p.m. Educational Demonstration
5:30 - 7:00 - p.m. Ice Cream Social
6:00 p.m. - Beef Show
10:00 p.m. - Grounds Close

Saturday August 7
7:30 a.m. - Grounds open
9:00 a.m. - Sheep Show
10:00 a.m. - Round Robin
1:00 p.m. - 3:00 p.m. - Open Class Beef Show & South Dakota Sanctioned Junior Points Show Check in
1:00 p.m. - Fashion Revue
5:00 p.m. - Open Class Beef Show & South Dakota Sanctioned Junior Points Show
5:00-6:00 p.m. - Sweetwater
5:00-7:00 p.m. - 4H Supper
10:00 p.m. - Grounds Close

Sunday August 8 th
9:00 a.m. - noon - Pancake Breakfast
10:00 a.m. - Cowboy Church
11:30 a.m. - Show of Champions
11:00 a.m. -noon - ATV Check in
Noon - 2:00 p.m. - Yankton County 4H and the South East South Dakota ATV Association ATV Rodeo
2:30 p.m. - Grounds Close

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Black Accent Chair	\$280	\$140	Leather Button Tufted Back Chair	\$1,170	\$468
Black Bench	\$464	\$232	Blue & Yellow Plaid Ottoman	\$624	\$124
Barritz Side Table	\$372	\$186	Chocolate Microfiber Chair	\$864	\$432
Tray Table	\$206	\$99	Cream Chair with skirt	\$928	\$464
Display Shelf	\$555	\$277	Cream Chair without skirt	\$928	\$464
Metal Cart	\$838	\$251	Floral Chair	\$828	\$331
Black Oriental Painted 2 Door Cabinet	\$490	\$245	Floral Chair	\$624	\$249
Espresso Console Curio	\$1,065	\$532	Floral Sofa	\$1,116	\$446
Painted Floor Clock	\$1,080	\$324	Leaf Pattern Chair with Skirt	\$896	\$358
White Wicker Ottoman	\$400	\$100	Red & Gold Chair	\$768	\$384
Accent Table	\$269	\$161	Red Paisley Sofa	\$1,276	\$638
Black Accent Table	\$269	\$161	Red Plaid Chair	\$892	\$356
Black Bombe Chest	\$899	\$539	Tan & Blue Floral Chair	\$1,200	\$299
Oriental Chest	\$539	\$270	Green Chair	\$1,405	\$393
Small Console with drawer	\$299	\$179	Brown Bicast Sofa	\$761	\$380
Wine Rack	\$449	\$179	Red Striped Chair with Espresso Arms	\$698	\$279
Queen Cherry Sleigh Bed	\$1,290	\$645	Blue Chair with Espresso Arms	\$688	\$207
Dark Oak Dresser & Mirror	\$1,510	\$755	Black & Oak Coffee Table	\$556	\$278
Queen Platform Bed, Dresser, Mirror & Nightstand	\$2,934	\$1,467	Cherry Sofa Table with drop down leaves	\$801	\$360
Black & Brown King Curved Bed	\$2,544	\$1,272	Square Cherry Coffee Table	\$916	\$366
Black & Brown Nightstand	\$800	\$240	Faux Trunk Coffee Table & 2 End Tables	\$1,701	\$340
Twin Maple Headboard	\$143	\$57	Oval Coffee Table	\$640	\$160
Mission Armoire	\$1,395	\$558	Cherry Oval Storage Coffee Table	\$537	\$268
Mission Nightstand	\$480	\$192	Chairside Cherry End Table	\$330	\$165
Chest	\$851	\$425	Coffee Table	\$285	\$142
Nightstand	\$340	\$170	Inlaid Cherry End Table	\$375	\$150
2 Tone Brown 3 Drawer Brown Nightstand	\$447	\$290	Rectangular Coffee Table with 2 drawers	\$405	\$199
2 Tone Brown Chest	\$1,038	\$674	Round Cherry Coffee Table	\$405	\$199
2 Tone Brown Dresser & Mirror	\$1,326	\$861	Black Coffee Table	\$685	\$206
2 Tone Brown King Sleigh Bed	\$976	\$634	Black Round End Table	\$547	\$164
2 Tone Brown Queen Sleigh Bed	\$897	\$583	Brown Cherry & Glass Coffee Table	\$770	\$155
Cherry Mirror	\$171	\$42	Cherry Distressed End Table	\$639	\$320
Cherry 5 Drawer Chest	\$2,880	\$1,440	Cherry Square Coffee Table	\$1,145	\$343
Cherry 8 Drawer Chest	\$2,880	\$1,440	3 pack Oak & Glass Coffee & 2 End tables	\$381	\$190
Cherry Armoire	\$3,408	\$1,363	Cherry End Table	\$389	\$156
Cherry Dresser & Mirror	\$2,584	\$1,292	Mission Sofa Table	\$419	\$209
Cherry King Sleigh Bed	\$2,331	\$1,165	Oak Coffee Table	\$241	\$120
Cherry King Sleigh Bed	\$3,004	\$1,499	Oak Lift Top Coffee Table	\$389	\$194
Pine Dresser & Mirror	\$808	\$399	Wood, Metal & Tile Coffee Table & 2 End Tables	\$599	\$359
Underbed Storage	\$476	\$95	Bamboo & Glass Coffee Table	\$505	\$252
Oak Dresser & Mirror	\$1,545	\$618	Bamboo & Glass End Table	\$420	\$210
2 DR Oak Nightstand	\$419	\$167	Cherry Bamboo Leg Coffee Table with 2 Trays	\$539	\$215
42" Light Oak Formica Table with 18" Leaf	\$799	\$99	Round Cherry & Black Large Pedestal End Table	\$404	\$199
Black Granite Table & 6 Chairs	\$1,405	\$699	Metal & Glass Coffee Table	\$332	\$166
Cherry Server	\$975	\$488	Metal Sofa Table	\$399	\$199
Light Maple Chair with Leather Seat	\$222	\$44	Square Golf Coffee Table	\$560	\$168
Oak & Granite Table & 4 Microfiber Chairs	\$1,495	\$748	Brown Leather Office Chair	\$796	\$398
42x64 Cherry Table	\$2,111	\$211	Cherry Bookcase	\$349	\$209
Cherry Dining Chair with cream fabric seat	\$198	\$99	Oak Bookcase	\$633	\$316
Leg Table	\$856	\$149	Cherry Desk with Hutch	\$1,784	\$535
Vintage Arm Chair	\$199	\$39	Cherry Executive Desk	\$765	\$382
Harp Side Chair Set of 4	\$190	\$95	Tan Microfiber Skirted Recliner	\$1,740	\$348
Cherry Curio/China	\$3,184	\$1,273	Tan Leather Recliner	\$584	\$350
Colonial Carved Fan Back Side Chair	\$560	\$280	Faux Leather Recliner	\$1,240	\$620
Round Cherry Dining Table & 6 Chairs with Leather Seats	\$6,304	\$2,836			
Cherry Server	\$2,175	\$435			
Rect Cherry Table & 6 Microfiber Seat Chairs	\$2,353	\$1,177			
China with 2 drawers	\$1,117	\$726			
Rect Table & 6 Microfiber Seat Chairs	\$1,965	\$1,277			
Square Black & Glass Table w/Chairs	\$1,095	\$548			
Dining Side Chair	\$586	\$58			
Round Dining Set with 6 Upholstered Chairs	\$5,477	\$2,190			
Chair Dining Chair with Tan Microfiber Seat	\$172	\$86			
Rect Cherry Table, 2 Arm Microfiber Chairs & 4 Side Microfiber Chairs	\$1,980	\$990			
Round Glass & Metal Dinette Set	\$1,330	\$665			
Round Cherry & Black Table & 4 Chairs	\$4,536	\$2,268			
Eggshell Entertainment Stand	\$1,190	\$476			
Oak TV Chest	\$1,400	\$699			
Black TV Stand	\$717	\$358			
Entertainment Armoire	\$4,080	\$1,224			
Black & Red Painted Armoire	\$2,466	\$739			
Brown 100% Leather Sofa	\$1,278	\$399			
Brown 100% Leather Chair	\$1,575	\$787			
Brown 100% Leather Sofa	\$2,205	\$1,099			
Navy Leather Recliner	\$897	\$448			
Leather Chair	\$1,200	\$480			

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King Set \$799

Twin Mattress \$88

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