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# New Narrowing of The Miranda Ruling

Washington

The Supreme Court ruled yesterday that police may resume questioning a suspect who has exercised his right to remain silent as long as they respect the suspect's right to stop answering questions at any time.

The 6 to 2 decision further defined the safeguards for criminal defendants that were first spelled out in the court's landmark Miranda ruling.

In dissent, Justice William J. Brennan said yesterday's decision "can be viewed only as yet another step toward the erosion

and, I suppose, ultimate overruling of Miranda's enforcement of the privilege against self-incrimination."

Justice Thurgood Marshall agreed with Brennan.

In the Miranda decision, the court said a person under arrest must be told he has a right to remain silent, a right to hire a lawyer or to have one appointed to represent him, and that any statement he makes may be used as evidence against him.

Writing for the majority, Justice Potter Stewart said that nothing in the Miranda decision requires police to cease questioning forever once a defendant expresses his wish to remain silent.

The court said the "critical safeguard in the Miranda decision is the individual's right to cut off questioning when he chooses."

"Through the exercise of his option to terminate questioning, he can control the time at which questioning occurs, the subjects discussed, and the duration of the interrogation," Stewart wrote.

"The requirement that law enforcement authorities must respect a person's exercise of that option counteracts the coercive pressures of the custodial setting."

The decision came in the case of Richard Bert Mosley, who was convicted and sentenced to life in prison for murdering a man outside a Detroit bar.

The Michigan court of appeals reversed the conviction on the ground that Mosley's statement implicating himself in the murder should not have been admitted as evidence because the statement was obtained in violation of the Miranda rules.

Mosley was given the Miranda warning and then was questioned about the murder two hours after he was interrogated about the robbery that prompted his arrest.

The court said Mosley exercised his right to silence when questioned about the robbery but raised no objection to being questioned about the murder.

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