

A Trustworthy Worker or a Caggy Dealer?

Miranda — a Puzzle Right Up to the End

By Robert Freiff

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Phoenix

LA AMAPOLA is a small dust-stained bar in the rough part of Phoenix that the street people call "the Deuce."

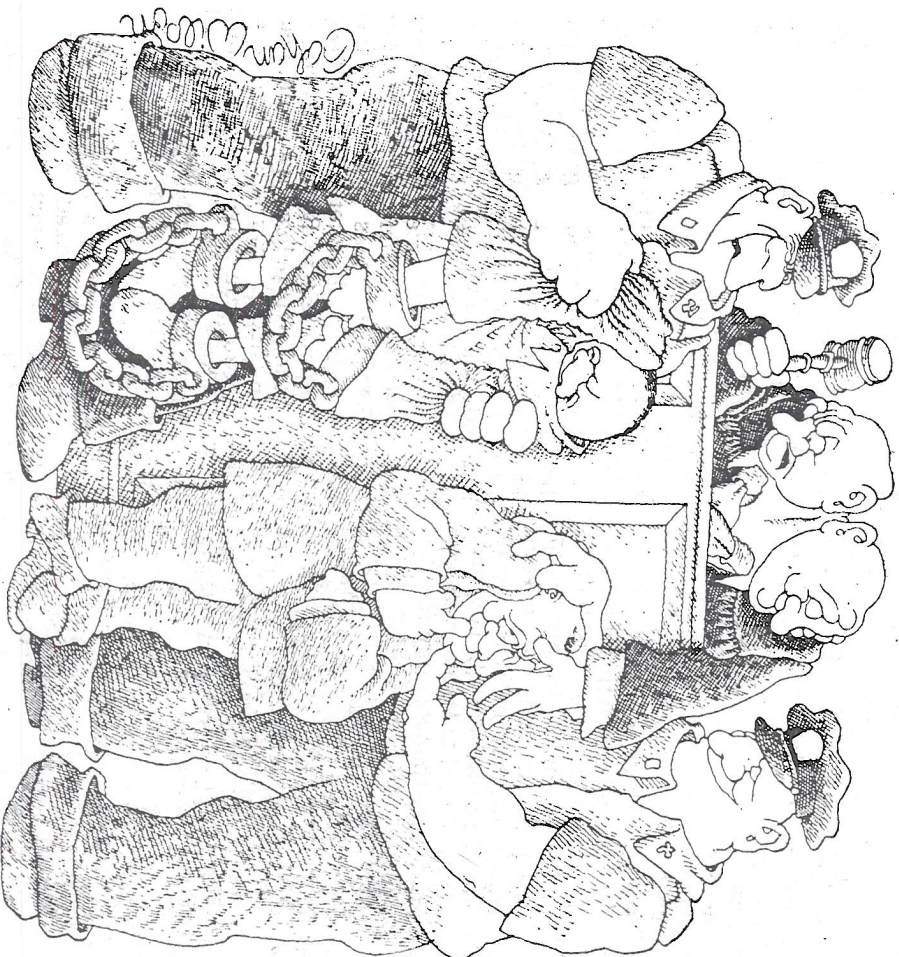
Flanked by a row of dollar-a-day flophouses, La Amapola advertises itself only by a small red and green neon sign that once read: "Dancing." Many years' accumulations of dead moths has extinguished the light in all but the first three letters of the word.

Ernesto Miranda, whose name had become synonymous with the sentence, "I must advise you that you have the right to remain silent, and to have an attorney present during questioning," was killed in La Amapola January 31, stabbed in the chest and abandoned after a quarrel over a \$3 poker bet.

Almost ten years ago Miranda's name was on a Supreme Court decision that required police officers to advise criminal defendants of those rights.

But though his name became famous, the 34-year-old Miranda's life changed little.

For most of his adult life, Miranda was in prison. He had been convicted in 1963 of kidnaping and raping an 18-year-old Phoenix woman. Along with conviction for an \$8 armed robbery in an unrelated case, Miranda was sentenced to 40 to 55 years in prison.



"In a much-relished turnabout, Miranda would offer to sell police an autographed 'Miranda card,' a card police carry to inform persons being questioned of their rights."

The Supreme Court ruling entitled him to a retrial on the rape charge, but in his second trial, Miranda was reconvicted, largely on the testimony of a former lover to whom he had allegedly confessed the crime.

In interviews with his family and friends, Miranda emerges as a man of contradictions. To two women who dated him, he was a polite, gentle man seemingly incapable of committing a brutal crime. To his coworkers, he was a trustworthy worker; to the police, he was a caggy dealer in narcotics; to an ex-cellmate, he was a loner.

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WHEN HE was paroled in 1972, Miranda supported his stepmother and two brothers by working for a year as the manager of a beverage can recycling plant in nearby Mesa. His employment record in this and subsequent jobs until his death was impeccable.

Miranda's boss at the recycling plant, Jerry Petrite, entrusted Miranda with accounting ledgers and cash and found the ex-convict a "completely dependable and intelligent manager."

He quit the recycling job to take work unloading trucks in a Phoenix produce warehouse, where the pay was higher, and was soon promoted to

night foreman over a crew of laborers.

He lost that job when he was sentenced to jail for a parole violation in 1974. However, officials reinstated his parole in 1975 when the courts determined that amphetamines and a gun discovered during a search of his car after a traffic ticket check were seized illegally.

Later until his death, Miranda worked as a deliveryman for a Phoenix appliance store. The store owner said Miranda was one of his finest employees and gave him several raises during the six months he worked there.

Women were attracted by Miranda's dark good looks and courteous manner. Two who dated him said they were particularly impressed by his politeness and gentleness.

"In all the time I knew him, Ernesto never once cursed or raised his voice," one woman said.

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A WEEK before Miranda's death, his parole officer wrote a report stating that Miranda had "adjusted to society and was going to make it in life."

But at the same time, police were receiving tips from informants that Miranda was selling heroin in the Deuce.

"He was one of the cagiest dealers down there," said Phoenix narcotics investigator Sam Gonzales. "We set traps for him a number of times, but he always managed to wriggle out."

When police would stop Miranda to check for drugs, he would taunt them with double entendres, Gonzales said.

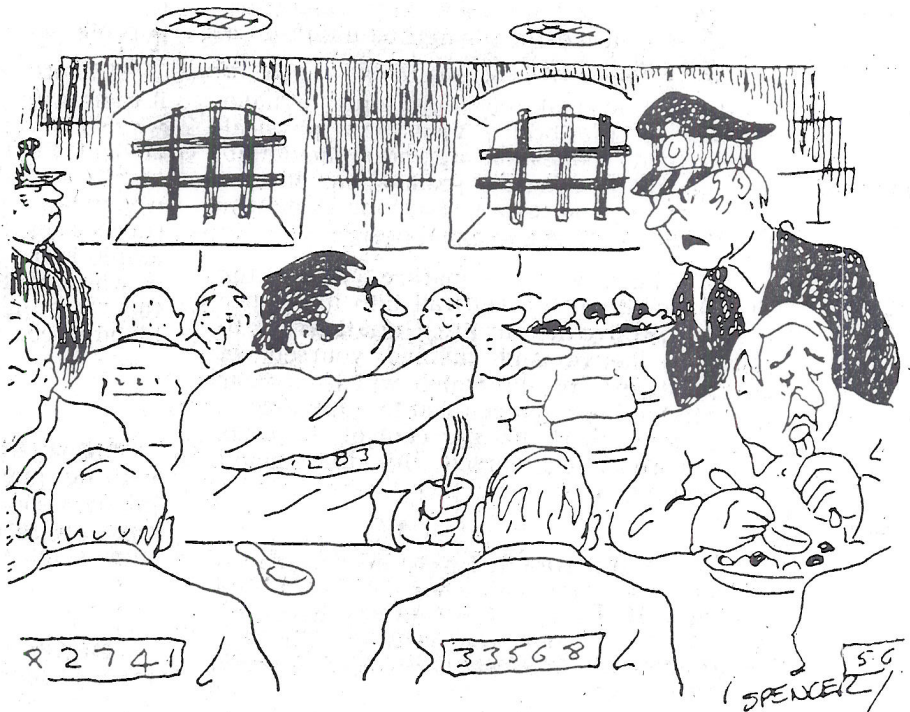
"Miranda would pull a little notebook from his breast pocket and ask for our names and then tell us he could only spare a little time to answer questions because he was 'a busy salesman with a fast-moving commodity,'" the officer said.

Then, in a much-relished turnabout, Miranda would offer to sell police an autographed "Miranda card," a card police carry to inform persons being questioned of their rights to remain silent and have legal council. Miranda had a number of such cards printed to sell police and souvenir hunters.

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MIRANDA KEPT company with Rosemary Bustamente, who served jail time for both prostitution and drug addiction. Investigators thought Miranda was supplying her with drugs.

But Miranda's older brother, Ruben, said his brother's relationship with the prostitute was misunderstood and has a letter written by Ms. Bustamente to Miranda which speaks about



"It's SUPPOSED to be lousy!"

his efforts to reform her and says: "I knew I had to clear up (from drugs) or I would lose you."

Ruben also said that his brother died broke and often had to borrow money to pay his utility bills and groceries.

"One week, the only food he could afford with some money left from paying the bills was 15 loaves of bread," Ruben said. "If he was selling drugs, don't you think he would have bought something better for his mother and two brothers.?"

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ACCORDING TO Ruben, his brother believed he had been deserted and betrayed while in prison.

Miranda was 23 when he was sent to Arizona State Prison after confessing to police that he kidnaped the Phoenix woman, took her out to a desert area and raped her. He also confessed to the armed robbery at the same time.

In the summer of 1965, two years after he entered prison, Miranda began hearing rumors that his common law wife, Twila Hoffman, had found another man in his absence.

About two months after the first rumors, Hoffman visited Miranda in prison, and told him she was pregnant. Miranda's cellmate for almost ten years, Junior Calderon, was sitting next to Miranda and heard him threaten to kill the woman.

"He said all kinds of bad things, because, you know, he had really loved her and used to talk all the time about her and the kid they had," Calderon said. Miranda had a three-year-old daughter, Cleopatra, by Twila Hoffman.

She then stopped visiting Miranda in prison and refused to let him see Cleopatra, which eventually caused the softspoken convict to withdraw bitterly into a "sour, anti-social shell," said John J. Flynn, the attorney who carried Miranda's appeal to the Supreme Court.

When Twila Hoffman refused to speak to him in prison, Miranda became frightened because he had told the woman on an earlier visit that he had committed the rape, Calderon said.

In 1966, the Supreme Court overturned Miranda's rape conviction, ruling that his confession was illegally



ERNESTO MIRANDA IN 1967
Man of contradictions

obtained because police did not advise him of his rights.

"That seemed to pick him right up," said attorney Flynn. "He wrote me a letter in which he stated he was proud of the decision and proud of being part of it and of the name Miranda."

But his elation over the historic Supreme Court ruling — which dismissed his original rape conviction and ordered him to stand trial again without introducing his confession to police as evidence — was shortlived.

His fear of Twila Hoffman turned out to be justified. The rape victim, now married and a mother of two, admitted from the witness stand that she could not positively identify Miranda as her attacker, but Twila Hoffman testified Miranda had confessed the crime to her on one of her visits to him in jail.

The jury convicted Miranda again, almost solely on the Hoffman woman's story. She had not mentioned the discussion to police until after she quarreled with Miranda.

After the trial, the judge said that "without Hoffman's testimony of the confession, it would have been impossible to convict Miranda."

After his reconviction, Miranda became more of a loner than ever before, confiding only in his cellmate Calderon.

"You know, Ernesto was pretty much like a kid," Calderon said. "I mean he had spent most of his adult life in prison and hadn't experienced anything. He didn't know what he wanted to do."

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WHILE WORKING as a delivery man this year, he began to visit Calderon, who had been paroled and was working as a counselor at The Seventh Step Foundation, a community-funded halfway house for ex-convicts.

Miranda liked the social work Calderon was doing, helping ex-convicts find jobs and shelter, and asked Calderon's boss for a job.

"A week before he was killed, Ernesto asked me for a job," said Seventh Step Director Walter White, "and I would have hired him. He was the kind of guy you could see cared about other people and would have worked hard."

But on the last Saturday evening in January, after spending a day visiting the families of his brother, Ruben, and his former employer, Pretie, Miranda went down to The Deuce to visit a girl friend who worked as a barmaid in La Amapola.

It was there that he was stabbed to death. Ezequiel Moreno Perez, described by police as an illegal immigrant, was being sought for the slaying.

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