

# *Polk County Bar Association*



## *Law Day Celebration Luncheon*

*Tuesday, May 10, 2016*

*Marriott Hotel  
700 Grand Ave., Des Moines, Iowa  
12:00 p.m. - 1:30 p.m.*

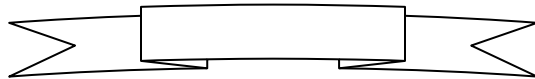


*Introduction of Dignitaries*

*Luncheon Keynote Speaker  
Judy Bradshaw,  
Director of the Law Enforcement Academy  
and former Des Moines Police Chief*

*Introduction of Law Day Committee Co-Chairs*

*PCBA and ARAG® Law Day Contest Winners*



## *Polk County Bar Association & ARAG® 2016 Law Day Competition*

*Each year the American Bar Association recognizes Law Day. Our Law Day competition theme this year is, "Miranda: More than Words."*

*This theme celebrates the 50th anniversary of the famous United States Supreme Court decision in *Miranda v. Arizona*. The Miranda warning is more than just some words; it is the basic rights that Americans value, particularly the right of all criminal suspects during police interrogations to have an attorney and not to incriminate oneself (right to remain silent). Students were encouraged to express, through poetry, essay, visual art, or music and performing arts, the opportunity to explore the impact the Miranda warning has had in promoting the rights under the 5th and 6th amendments to the US Constitution.*

*The Law Day Committee consistently focuses its efforts on reaching a wide variety of students in order to educate them about the law and nurture their creative expression. This year, the Law Day Committee teamed up with ARAG Insurance Co. for this event. In doing so, we were able to incorporate elementary school students from Polk County into our competition. We wish to express our deep appreciation to the Polk County Bar Association for its continuing support of the Law Day program. We would like to thank the following committee members:*

*Hon. Rick Blane, James Bryan, Emily Chafa, Tara Hall, Shanon Hounshell, Kathy Law, Stephanie Marett, Jenifer Mercer-Klimowski, Cynthia Rybolt, Hon. Mary Tabor.*

*Special thanks to Iowa Legal Aid Americorps member Michael Hoyt for creating the Powerpoint presentation we are viewing today.*

*Enjoy the fruits of the students' creative labors!*

*Gail Sheridan-Lucht and Daniel Saar, Co-Chairs  
Polk County Bar Association Law Day Committee  
Samantha Ceca, ARAG Law Day Committee Member  
Jean Clauson, ARAG Law Day Committee Member*

*The Polk County Bar Association Law Day Committee*  
*presents*  
*Polk County Bar Association & ARAAG® 2016 Law Day Competition*

*High School Visual Arts Competition*

*First Place*

*Natalie Mixdorf*

*Second Place*

*Katellynn Robinson*

*Third Place*

*Katy Voss*

*All above students from Ankeny High School*

*Middle School Visual Arts Competition*

*First Place*

*Bella Rivera, Prairie Ridge Middle School, Ankeny*

*Second Place*

*Breighlyn Kowalczyk and Charlie Harrington  
St. Theresa Catholic School*

*Third Place*

*Chloe Carstens*

*St. Theresa Catholic School*

*Middle School Music and Performing Arts Competition*

*First Place*

*Crey Abbas, Katie Brandt, Lauren Carpenter, Madeline Fialkov, Logan Garland,  
Pierce Mansfield, Olivia Ovrom, Corbet Tempero, Rezin Tempero  
All above students from Merrill Middle School*

*Second Place*

*Autumn Joi Cadoree, South Middle School, Waukee*

*The Polk County Bar Association Law Day Committee*  
*presents*  
*Polk County Bar Association & ARAAG® 2016 Law Day Competition*

**High School Essay Competition**

**First Place**

*Josiah De Valois, North Polk High School*

**Middle School Essay Competition**

**First Place**

*Elizabeth Overberg*

**Second Place**

*Eva DiMeo*

**Third Place**

*Lawrence Deng*

**Honorable Mention**

*Selma Smajlovic*

*All above students from Prairie Ridge Middle School, Ankeny*

**Honorable Mention**

*James Tormey, South Middle School, Waukee*

**High School Poetry Competition**

**First Place**

*Shivani Kumaresan, Central Academy*

**Second Place**

*Sophia Walker, Ankeny High School*

**Middle School Poetry Competition**

**First Place**

*Allison Su, Prairie Ridge Middle School, Ankeny*

**Second Place**

*Annika Burds, Prairie Ridge Middle School, Ankeny*

**Third Place**

*Olivia Appel, Merrill Middle School and Central Academy*

*The Polk County Bar Association Law Day Committee*  
*presents*  
*Polk County Bar Association & ARAG® 2016 Law Day Competition*

*Elementary School Poster Competition*

*First Place*

*Maria Hernandez Raya*

*Second Place*

*Layla Purcell*

*Second Place*

*Annaleigh Hegwood*

*All above students from Oak Park Elementary School, Des Moines*

*Elementary School Coloring Competition*

*First Place*

*Anna Rowling*

*Second Place*

*Brant Schumacher*

*Third Place*

*Bailey Machan*

*All above students from Prairie Trail Elementary School, Ankeny*

*Best teacher participation Prize*

*Megan Willard, St. Theresa Catholic School*

*Thank you to the following sponsors to making it possible for the students, parents and teachers to attend the luncheon today.*

*U.S. Court Southern District of Iowa*  
*ARAG North America, Inc.*  
*EMC National Life Company*  
*Tara Hall, Davis Brown Law Firm*  
*Dr. and Mrs. Troy and Shanon Hounshell*  
*Kathy and Dave Law*  
*Gene and Gail Lucht*  
*Stephanie Maret*  
*Judge Anuradha Vaitheswaran*

Josiah De Valois  
11 April 2016

### **Miranda vs. State of Arizona and its powerful effects**

Years ago, a man named Ernesto Miranda was falsely convicted of a crime. This was because he was presumably forced into giving a confession of a crime that he had not committed. Had he known that he did not have to speak to the police, Miranda may not have spoken, and most likely would have been a free man. Instead, however, he ended up serving around six years in prison, so our government decided not to allow his unjust imprisonment to serve no cause. As a result of this case, the government set up a list of rights known as the miranda rights. Most people are familiar with these due to their publicity gained through the media. Now, officers are required to state the miranda rights to a man or woman when they are being arrested, in order for them to know their rights.

The miranda rights are now an excellent representation of the true American spirit. A problem became evident and, although there were consequences, laws were formed to prevent future complications of similar kind. This is an accurate and fitting display of how our government may improve upon itself. Through this forward-minded way of operating, this case, though unjust, was not just ignored. Because of the case and the laws passed as a result of it, many more cases that may have ended very differently have had different results. Although sad, Ernesto Miranda's story has helped our country in the long run. Now, every time that a person is arrested, the officer detaining them is required to tell them their rights. The officer is obligated to say, "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 an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?" ("What Are Your Miranda Rights?"). The person being arrested must give a clear answer to these questions, so that the officers know for a fact that they understand.

While these rights are important, they mean much more than just their face value. They are not only a list of things that officers say in the movies or shows; they stand for the rights of the American people. The miranda rights are a very important reflection of the government not simply standing by and allowing specific problems to continue on. These rights represent a progressive way of forming laws. Even though a man was unjustly put into prison, his story did not go untold. Through his sad story, preventative laws were put into place. Instances like these are great examples of why we should be thankful for a free government committed to helping all of its people, regardless of the unlikely circumstances.

#### Works Cited

"The Miranda Rights Are Established." *History.com*. A&E Television Networks, n.d. Web. 11 Apr. 2016.

"What Are Your Miranda Rights?" *What Are Your Miranda Rights?* N.p., n.d. Web. 11 Apr. 2016.

## The Miranda Warning

“You have the right to remain silent”  
The phrase has been read, and read, again,  
To murderer’s, whose eyes still gleam with blood,  
To robbers, who jingle the money in their pockets,  
And to the innocent, who’ve been framed.

Miranda v.s. Arizona,  
No one knew then, how important it would turn out in the end,  
Even when Chief Justice Earl Warren spoke, under our gallantly waving flag,  
during the fateful time, where justice tested its limits,  
And soon everyone was nodding and clapping in agreement to the law,  
All because of one man, who is both criminal and hero,  
Who changed a country but broke a law.

The Miranda Warning,  
It stated that everyone should know their rights,  
And to know the court had back up for them,  
And that no matter the money in your pocket  
Someone would still defend you  
Because that's what the Miranda Rights mean

“You have the right to remain silent”  
Read, and read again,  
To smugglers, who smile with malice  
To poachers, who flip their guns  
To random citizens, who think if only they weren't there, in the sirens  
Again and again  
To Americans



## Miranda Rights in Action

### Sophia Walker

Sirens blaring through the night

I didn't do it

Lights flashing through the woods

I didn't do it

Voices carrying through the air

I didn't do it

Boots clicking on the ground

I didn't do it

Dogs barking through the night

I didn't do it

Screaming of my name through the woods

I didn't do it

Helicopters flying through the air

I didn't do it

Handcuffs clicking on my wrists

I didn't do it

You have the right to remain silent

I didn't do it

Anything you say can and will be used against you in a court of law

I didn't do it

You have the right to an attorney

I didn't do it

If you cannot afford an attorney, one will be provided for you

I didn't do it

Do you understand the rights I have just read to you?

I didn't do it

With these rights in mind, do you wish to speak to me?

I didn't do it that's all I can say

I hear the sirens roar as they come closer.  
*Crunch, crunch, crunch*, as the car drives on the gravel.  
The door slams shut.  
I am under arrest.

**"You have the right to remain silent.  
Anything you say can and will be held  
against you in the court of law."**

Silence > words.  
Dangerous weapons when misspoken,  
in the presence of a mischievous consciousness.  
Powerful messages when brought to attention,  
moving speeches; changing the world.  
Sometimes saying nothing,  
is greater than saying anything at all.  
Silence.

**"You have the right to talk to a lawyer and have  
him present with you while being questioned.  
If you cannot afford a lawyer, one will be appointed  
to represent you before any questioning if you wish."**

Lawyers. Prosecution. Defense.  
Fairness for all in criminal cases,  
manifesting endowed freedoms Americans deserve.  
No person "Shall be compelled  
... to be a witness against himself",  
says the fifth and sixth amendments.  
Rights of equality, and justice will be served.  
So it's up to me:  
lose in voice, or triumph in muteness?

**"You can decide at any time to exercise these  
rights and not answer any questions or make any statements.  
Do you understand each of these rights I have explained to you?  
Having these rights in mind, do you wish to talk to us now?"**

Such rights are tokens of  
goodwill under the Constitution.  
Approbating secured liberties.  
Amplifying the importance of  
self preservation towards Government.  
Displaying the moral:  
not to be averse, nor doubtless  
to prove perfect innocence.

"Yes, I understand my rights. I will not speak until I have a lawyer present."

#### Works Cited

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"What Are Your Miranda Rights?" *What Are Your Miranda Rights?* Web. 06 Apr. 2016.

# One Word

By Shivani Kumaresan

It starts with one mistaken word.

One word that can keep us imprisoned,  
Keep us from the rest of our son's baseball games,  
the rest of our daughter's dance recitals,  
the rest of the many graduations, marriages, and family reunions.

One mistaken word.

Suspect does not mean guilty.  
Suspect does not mean innocent.  
But one mistaken word could shatter

everything.

Miranda warnings offer protection:  
Protection against brutal interrogations,  
Protection against negligence,

Protection against ourself.

Our liberty is sustained through these rights,  
As we maintain our freedom  
when accused of a crime.

Our equality is sustained through these rights,  
As we are treated no differently  
when accused of a crime.

Our lives are sustained through these rights,  
As we are provided with the ability  
To defend ourself in a court of law.

The right to remain silent,  
The right to an attorney,

The right to preserve our innocence until proven guilty.

## More Than Words

“You have the right to remain silent” are words we hear in crime movies and television shows all the time, but most people just gloss over them as if they are simply part of the script to make the show more entertaining. But they are much more than that. These words have a deeper meaning that needs to be acknowledged: they are part of the Miranda warnings, which protect the Constitutional rights of suspects who are in police custody.

The United States Supreme Court established the Miranda warnings in the criminal case Miranda v. Arizona in 1966. Ernesto Miranda was a 22 year old who had been convicted of raping an 18 year old girl. While in police custody, he confessed after being interrogated in a room with no food for two hours. The question of whether Miranda’s confession was legal caused mass controversy and made it all the way up to the Supreme Court. The Supreme Court ruled in favor of Miranda and also set down some of the most important rights for suspects. Police officers now had to inform suspects in custody of their Constitutional rights, such as the Fifth and Sixth Amendments. The Fifth Amendment is the right to remain silent, which means the government can’t force people to incriminate themselves. The Sixth Amendment is the right to have an attorney, which means the government must allow you to have an attorney to support and advise you. Police officers are also required to make sure that the suspect understand these rights:

*“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 an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?”*

These warnings protect the Constitutional rights of suspects and sometimes courts have to go to the extremes to make sure that happens. For instance, if a suspect is not read their rights, and the officers get them to confess, none of the information they gathered can be used in the criminal case sometimes leading to the dismissal of the charges such as in the Miranda case. Many people believe it is wrong to set a dangerous criminal free just because the police officers didn't read them a couple of sentences. But doing this shows how important these rights really are. It shows the court is willing to free a criminal who may have been very convincingly guilty, so he can keep the rights given to him by the Constitution.

These words in the Miranda Warnings by themselves are simple, however they are an example of how the Constitution protects all of our liberties. Without these words, our freedom while in police custody would not be guaranteed. The government protects us from self-incrimination and allows us an attorney. To protect those rights, the Court decided it was more important to uphold the Constitution, even if it meant some guilty criminals were set free. The Miranda Warnings are more than just words. They are freedom and liberty to all.

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Miranda: More than Words  
By: James Tormey

When my mom asks if I did my chores, or my homework, she does not give me the right to remain silent. In fact, she expects me not just to answer, but to answer honestly. The truth is what she always wants.

I am not a criminal. Well, not yet. I haven't committed any crimes in my 13 years on this planet. I don't ever plan to find myself in a situation where a police officer tells me that anything I say can and will be used against me in a court of law. I can't imagine being in that situation. My mom would freak out.

Fifty-three years ago, Ernesto Miranda was questioned by two police officers in Phoenix, Arizona about the kidnapping and rape of Lois Ann Jameson. She was 18 years old. He was 22. His name is famous. Hers, is not so much.

Miranda confessed to the crimes. He was convicted, but mostly because of that confession. Three years later, the U.S. Supreme Court voted 5-4 to dismiss his conviction because, when he was being questioned about the crimes, Ernesto Miranda was not told about his rights -- under our country's Constitution -- to refuse to answer the officers' questions and also be able to request an attorney.

With the confession now thrown out, Ernesto Miranda was found guilty for the second time. He went to prison for a few years . . . not the 20-30 years that he was sentenced, but that's a whole 'nother essay.

Today we are celebrating the 50th anniversary of *Miranda v. Arizona*. By now we all know the words that make up the Miranda Rights. We do not have to incriminate ourselves, and we can be represented by a lawyer, and these rights are fully protected by our courts. If these rights weren't for everyone, they would be for no one.

The Miranda ruling, which police officers objected to for many years, is second nature to us now. It is one of the best-known Supreme Court cases in history. Has it made a difference? Have the Miranda Rights made it more difficult for police to do their jobs and catch the bad guys?

The arguments could go on forever. And whether someone breaks the law is much different than whether I do the dishes or finish my math homework, but it is still my belief that the truth is most important.

# The Miranda Rights

In 1963, a man named Ernesto Miranda was accused of having raped an 18 year-old girl. He denied it, saying he had nothing to do with the girl. The police, doubting this, took Miranda and put him in a suspect lineup for the girl to identify him. Despite the fact that the girl did not definitively identify Miranda as the man responsible, he was arrested anyways and interrogated roughly for two hours by the police. After being falsely told the victim had identified him, Miranda confessed. However, whether the confession was true and legal under the Fifth Amendment became a debate that went all the way up to the Supreme Court. The ruling would change accused people's rights forever. The Supreme Court would decree a set of rights that would allow for more truth, justice, and liberty.

Before the *Miranda v. Arizona* case, the interpretation of the Fifth Amendment was muddled. The only thing people were sure of was that an accused person had the right to stay silent and appoint an attorney in court, but that was about it. People weren't sure what criminal suspects were allowed to do under the Fifth Amendment in police custody. Because of this, many police officers would put suspects in a room, give them no food, and interrogate them roughly until they confessed to the doing the crime. Whether these confession were true or not was unknown, often causing confusion during court cases when defense attorney would say that the confessions were false. When the *Miranda v. Arizona* case was sent to the Supreme Court, the issue was finally addressed.

In tight vote of 5 to 4, the Supreme Court ruled in favor of Miranda, saying that the forced confession was unconstitutional. Then the Court went even further. The Court stated that criminal suspects had the right to stay silent under police interrogation as well as appoint an attorney, and that police had to inform suspects of these rights before doing any interrogation. By



doing this, it would be clear to all criminal suspects that they could remain silent during a police interrogation, had the right to an attorney, and did not have to talk themselves into prison. These rights would come to be known as the Miranda Rights, or the Miranda Warning.

The Miranda Warning has five different parts to it, each serving a purpose. The first part is perhaps the most important one: "You have the right to remain silent." This line informs criminal suspects that they are not forced to speak while in police custody or at court. The next part goes: "Anything you say can and will be used against you in a court of law." By saying this, police warn criminal suspects that by choosing to speak they are at risk of self-incrimination. Suspects are then aware of the benefits of remaining silent. If the suspect does choose to answer questions however, they "have the right to an attorney" as stated in the next part of the Miranda Warning. This way, should suspect want to answer questions but not answer the questions themselves, they can have an attorney help answer the questions for them. The fourth part of the Warning states that should the criminal suspect be unable to afford an attorney, one will be provided for them. The final lines of the Miranda Warning are: "Do you understand the rights I have read to you? With these rights in mind, do you wish to speak to me?" An important part of the Miranda Rights is to insure that suspects understand the rights they have. The final part of the Miranda Warning is addressed to make sure that the suspect does fully understand these rights, and then give them the choice of remaining silent, or answer police interrogation.

Why are the Miranda Rights so important? The first reason is that the existence of these rights help to administer true justice. Before the Miranda Rights were set as a part of police protocol, suspects would talk themselves into prison. By being forced to answer questions, self incrimination would occur, which no person has to do under the Fifth Amendment. As mentioned, officers would even starve suspects in a dark room until the suspect could no longer bear it and confessed out of the torment. These practices went against the Fifth Amendment and

the very definition of confession. Confession is a 'formal statement *admitting* that one is guilty of a crime. Forcing a confession makes it no longer a confession. These forced "confessions" also caused confusions in court, leading to mistaken trials and innocent people being put in prison. By setting the Miranda Rights as a part of police protocol, the Supreme Court was insuring that the truth was told, causing less confusion in court and less innocent people in prison. The Miranda Rights also send out a message of liberty. By not forcing a suspect to speak, the government did not seem like a dictator by making suspects "confess" of their guilt, and a suspect was given freedom to choose what they wanted to do: answer the questions, appoint an attorney to answer for them, or remain silent. This way, suspects had rights, even under police custody.

Miranda was still found guilty by another court when his ex-girlfriend said he had confessed to her. Shortly after being released from prison, Ernesto Miranda was killed in a bar fight in 1976. The two men convicted for his murder waived their Miranda Rights, and were found guilty. However, they ran away, and Miranda's death was never justified. But ever since the *Miranda v. Arizona* case, Miranda's rights live on. The Miranda Rights are now a vital part of American Rights. These rights, repeated each time a criminal suspect is brought police custody, establishes justice, promotes the general welfare, and secures the blessings of liberty.

## Bibliography

"Miranda" Rights and the Fifth Amendment." *Findlaw*. N.p., n.d. Web. 08 Apr. 2016.

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## ***Iowa State Bar Examination Applicants - July, 2016***

*Pursuant to Iowa Court Rule 31.9, the Chair of the Iowa Board of Law Examiners is notifying you that the following individuals have filed an application to sit for the July 2016 Iowa Bar Examination. A report of any information you have reflecting adversely on the moral character or fitness of an applicant is required under Iowa Court Rule 31.9. Please report in writing any such information you have concerning the applicant's moral character and fitness to practice law. If you know of any other source for such information, please provide the name and contact number for that person or entity. Please transmit all information to the Chair of the Board of Law Examiners, in care of the Office of Professional Regulation, 1111 East Court Ave., Des Moines, Iowa, as soon as possible.*

*Jared Stephen Adam*

*Ned M. Adams*

*Leslie Allyssia Ahlberg*

*Caitlin Mae Andersen*

*Daniel Emmert Andersen*

*Nathan James Arentsen*

*James David Arnett*

*Nathaniel Evren Arnold*

*Ryan Lawrence Ashley*

*Thomas E. Bakke*

*Bradford Gerickę Barker*

*Susan M. Bartlett*

*Hannah Marie Beach*

*Nicholas Anthony Behlke*

*Ashley M. Beisch*

*Annastasia Bergman*

*Erika Lauren Bertrand*

*Dillon J. Besser*

*Alissa Nicole Bestick*

*Patrick Raymond Bigsby*

*April LeAnn Bosma*

*Danielle Jean Brooks*

*Kayla L. Burkhiser Reynolds*

*Caitlin Ashlie Buxton*

*Sean M. Callison*

*Louis Anthony John Capaldo*

*John Nicholas Capellupo*

*J. Gilbert Carnegie*

*Lucas James Carney*

*Melissa Ammann Carrington*

*Chase Andrew Cartee*

*Leah Belknap Carter*

*Andrew James Casper*

*Peter Joseph Chalik*

*Jillaine Chaston*

*Evetta Cheaib*

*Eric Alan Checketts*

*Paul Kim Choi*

*Craig A. Clark*

*Sandra Diane Clasen*

*Dusty Lea Clements*

*Nicholas P. Crosby*

*Devin Michael Davis*

*Matthew Ryan Denning*

*Matthew Thomas Di Masi*

*Anagha Dixit*

*Lucas B. Draisey*

*Whitney Leigh Duhaime*

*Persephone Alba Eglaine*

*Rebecca Elaine Elliott*

*John Michael Engler*

*Jennifer Louise Erger*

*Tyler Jeffrey Ernst*

*Kyle S. Farmer*

*Natalie Schonefeld Farmer*

*Jefferson Fink*

*Eric Nicholas Fischer*

*Benjamin Joseph Folladori*

*Hannah Rose Fordyce Wenell*

*Anthony Tyler Fry*

*Alexandra Claire Galbraith*

*Jonathan Jeffrey Gamm*

*Amy Rachelle Garver*

*Jeremiah Kevin Geffe*

*Vincent Steven Geis*

*Natalie Brianne Ginty*

*Shyam Madhusudan Goswami*

*Daniel Patrick Gough*

*Colin Patrick Grace*

*Kayley Marie Grant*

*Eric Michael Green*

*Levi James Grove*

*Kendra Lynn Haack*

*Christopher James Haas*

*Jeremy B. Hahn*

*William Jeremiah Hale*

*Ghassan Harb*

*Matthew Burke Hardin*

*John Alan Hathaway*

*Tyler John Heeren*

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*Christopher James Jessen*

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*David J. Kane*

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*Michael Warren Kennedy*

*Natalie Jean Killion*

*Jacob Vinton Kline*

*Jared Francis Knight*

*Matthew John Knipe*

*Elizabeth Claire Kottkamp*

*Adrian Krzysztof Kowalski*

*Chantel Marie Kramme*

*Brandon Jay Krikke*

*Iowa State Bar Examination Applicants - July, 2016 continued*

*Karah Anne Kruger  
Cassandra Beverly Ann Krumm  
Lydia Joo Lee  
Kelsey Rene Leppert  
Melody Elizabeth Lien  
Christopher Nicholas Little  
Benjamin Keith Lynch  
Karli Rae Mays  
Patrick Seamus Devere McAreavy  
Megan E. McDevitt  
Molly Marie McDonnell  
Lynnette M. McDonough  
Laura C. McGuire  
Jessica Lee McNamara  
Christopher S. Merkle  
Kacy E. Merseal  
William Robert Mescher  
Kelsi L. Messer  
Rachel C. Meyer  
Michael Joseph Millea  
Deborah J. Morris  
Kyllynn Michael Mowell  
Job Thomas Mukkada  
Matthew Gunnar Munro  
Ethan Chase Murray  
Alan W. Nagel  
Alicia Rose Nicoletto  
Kelly Nuckolls  
Michael Richard O'Hara  
Daniel J. Olinghouse*

*Jesse Michael Oswald  
Seep Palwal  
Emily Elizabeth Palmiscno  
Emily Michele Papp  
John Paul Podmeyer  
Crystal Renee Pound  
Andrew David Powers  
Shannon Moore Powers  
Kelly Marie Ramsey  
Malvika Rawal  
Nicole Marie Reed  
Alexander P. Reid  
Ryan M. Ricke  
Justin Donald Riem  
Sara F. Roland  
Vimarie Romero  
Mark H. Ross  
Joseph William Rust III  
Courtney Robyn Ruwe  
Brittany L. Sandler  
Frances M. Schiro  
Allison Anne Schmidt  
Jacqueline Louise Schreurs  
Jeffrey Paul Schultz  
Abdullah Shakoor  
Ravi Nicholas Sharma  
Karl Michael Sigwarth  
Tyler Jordan Smith  
Tyler Richard Smith  
Tyler Steven Smith*

*Casey William Steadman  
Alexis Ceylene Steele  
Christopher Clark Stewart  
Ann Teresa Stockdale  
John Quentin Stoltze  
Michael Christopher Andrew Stork  
Amber Marie Story  
Thomas Dillon Story  
Elysiana Judith Cantu Strotkamp  
Emily Katherine Swartz  
Gina Elise Pualei Tabisola  
Meret Thali  
Michael Glen Thelen  
Lyndze Thompson  
Maksim Valentinovich Tikhrvinskiy  
Marshall Ward Tuttle  
Benjamin Kemp Ulfers  
Emily K. Upchurch  
Christina L. Updegraff  
Jennifer Lynn Van Kekerix  
Will Tyler Wadle  
Nicholas James Webb  
Mallory Elizabeth Weiser  
Lisa L. Werner  
Dylan Charles Wheeler  
Stephanie Marie Wiederin  
Becky E. Wilson  
Xiao Yang  
Yi Zhu*

## Newly admitted members of the Bar

The Polk County Bar Association welcomes these successful candidates who passed the Iowa Bar Examination given in February, 2016. Those who met all requirements were sworn in on April 26th, 2016 at Hoyt Sherman Auditorium in Des Moines.

Timothy James Alberts  
 Megha Amarnath  
 Patrick M. Bahen  
 James Edward Becker  
 Trista Marie Beise  
 MacKenzie Marie Benson  
 Aaron Jay Blair  
 Meenakshi Brandt  
 Joseph K. Carberry  
 Le Chen  
 Sara Kathrine Conrad  
 Nicole Lynn Cox  
 Joseph M. Elgin  
 Benjamin T. Erickson  
 Timothy J. Farmer  
 Joseph K. Findlay  
 Brian William Foddrill  
 Charity J. Fort  
 Thomas James Fowler  
 Matthew James Gannon  
 Ellen Marie Hames  
 John E. Hardy  
 Jered Dale Headrick  
 Mallory Paige Hoyt  
 Jeffrey Michael Janssen  
 Annie Jean Kock  
 Frank Eden Kopcinski  
 Beth Lynn Hamling Manley  
 Drew Warren Meyers  
 Beth Suzanne Moffett  
 Tina Muhammad  
 Bethany Marie Pietsch  
 Warren James Polson  
 Vincent Arthur Pundt  
 Jamie Lynne Schroeder  
 Christina Lynn Schwartz  
 Marcus Alan Smetka  
 Paul Gerard Thelen  
 Samantha Dean Wagner  
 Peter Henry Wessels  
 Bo Bradley Woolman  
 Weijing Wu

By: Olivia Appel	
These are the terms the spelling the sounds	<b>Miranda : More Than Words</b> Right to Counsel
But what do they <b>mean</b>	c o u n s e l
They preserve life liberty justice	koun-suhl  Right to Attorney
They make life the way we live it	a t t o r n e y uh-tur-nee
What is miranda When you take away the words	Right Against Self-Incrimination
Or maybe Is it a teenager, terrified of the police? Is it a man, beaten into a confession? Is it a person just like you just like me	s e l f  i n c r i m i n a t i o n  self-in-krim-uh-ney-shuh

Eva DiMeo  
Prairie Ridge Middle School  
Miranda Warning Essay  
April 5th, 2016

## **The Miranda Warning: Reading Between The Lines**

The lights are flashing red and blue. The noise fills your ears and all you can hear is the blaring siren and the police officer saying “You are under arrest, place your hands behind your back and do not make any sudden movements.” “I’m innocent!” You think “I haven’t done anything wrong!” But here you are, your hands cuffed and you are getting into the back of a police car. The bars on the windows make you feel like a criminal as you are taken to prison to wait a trial for something you didn’t do. In the next few hours you will be questioned and intimidated. You will be pushed to answer for a crime you didn’t commit. “Wait!” you think “I have rights don’t I? I am a human being and citizen of this country. What was it called, the Miranda Rights? Yes that’s right but what are they?” Let’s go back 53 years to when Ernesto Miranda was arrested and the events that followed that will change our legal protections under the fifth and sixth amendments forever.

The Miranda Warning was established due to a case in which Ernesto Miranda was allegedly not aware of his fifth and sixth amendment rights. He had been arrested for kidnapping and raping an 18 year old girl. He was falsely told by police that the girl had positively identified him and he ended up confessing to the crime. He had no lawyer present and the issue of whether the confession was legal became why he was largely known. He ended up pursuing a lawsuit against the state of Arizona which got all the way to the Supreme Court. Miranda’s case won

against Arizona's, establishing some of the most important rights for criminal suspects. These rights are contained in the Fifth and Sixth Amendments that were added into the Constitution in 1791. The fifth amendment explains your rights to a jury and due process. It protects you against self incrimination and double jeopardy. The sixth amendment pertains to criminal prosecution, a jury trial and the rights to a counsel and to confront.

Even today some people still aren't aware of their Fifth and Sixth Amendment rights. The majority of these people being uneducated or non-English speaking minorities. The Miranda Warning puts the Fifth and Sixth Amendment rights into words that most everyone can understand. It reminds people that even though they are a criminal suspect, they still retain the rights to remain silent, to a lawyer, etc. The Miranda Warning keeps people from incriminating themselves before they know what they are doing. Not being read the Miranda Rights and not understanding them can lead to unfair trials. In doing so it completely undermines our constitution and therefore strong belief in democracy.

In conclusion the Miranda Warning still holds a substantial amount of value in our world today. It has become so much a part of police practice that reciting it is just second nature to the police doing so, although cases do still exist where defendants rights are denied. The Miranda Rights and Miranda Warning protects democracy and is an important part of our justice system. Without it, the whole idea of justice would mean nothing.

"I have the Miranda Rights!" You exclaim "I have the right to a lawyer and I will not waive these rights." In the time that passes you get your lawyer and together you clear your name. You don't get pinned for a crime you didn't commit! Aren't you glad you knew your Miranda Rights?

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Selma Smajlovic

### Miranda: More than Words

The Miranda Rights protects millions. It gives us the right to an attorney and protects our right to not self-incriminate. In the 1960's many criminals were self-incarcerated because they were not aware of their rights. An example is Ernesto Miranda. He was charged with the rape and kidnapping of an eighteen-year-old girl. He had the right description, but she failed to identify him in a line up. He was interrogated for two hours when the police told him that she identified him as her rapist, which she did not. Miranda confessed without an attorney present. Whether or not the situation was legal journeyed all the way to the Supreme Court. The ruling in *Miranda v. Arizona*, *Rhode Island v. Innis*, *Berkemer v. McCarty*, and *Harris v. New York* lead to the establishment of the Miranda Rights. Each one of them had helped in the Court establish what rights suspects had when arrested.

The right against self-incrimination, the Fifth Amendment, is protected by the first line in the Miranda Warnings, "You have the right to remain silent". The Sixth Amendment, the right to a public trial without delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are, as well as the charges and evidence against you. The suspect is informed by the Sixth Amendment in the line, "You have the right to talk to a lawyer". The rest of the Miranda Warning informs the arrested that if they could not afford an attorney, the court will appoint one for them. It also explains that anything they say would be able to be used self-incrimination. If the police does not inform the accused of their rights, any evidence found against them in the interrogation is not to be used in the trial.

Before the establishment of the Miranda Rights, police were practicing coercive interrogations. Coercive tactics are not used today because if the suspect comes forward with evidence of hostile behavior, the evidence would be dismissed from court. The officers in the 1960s would lock criminals in a room without food. Some would confess in crimes that they

didn't even commit. The police would take advantage of those that did not know their rights, and often the criminals would sign confessions. Prosecutors would hand these confessions in as evidence, and the court would have to decide whether or not to use the evidence in trial. After *Miranda*, not only were criminals protected by the Fifth and Sixth amendments, the police would have to inform them of their rights. The Court gave the officers a warning that if they did not inform the suspect of their rights, all evidence of a confession were not allowed to be used against them.

A person's rights is one of the most important things to keep safe when living in America. In the 1960s many were taken advantage of because they did not know their rights. An example is Ernesto Miranda, but even the innocent could be wrongly accused. Coercive behavior from the police could be just enough for an innocent person to live life in prison. When people hear of this, some would get the feeling of injustice. The motto "Innocent until proven guilty", is non-existent. There would be no evidence, no witnesses, only a confession, and you would begin to question; question if justice was served.

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*Polk County Bar Association*

2016-2017

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