

No.08-1175

In The
Supreme Court of the United States

STATE OF FLORIDA,

Petitioner,

v.

KEVIN DEWAYNE POWELL,

Respondent.

*On Writ of Certiorari to the
Florida Supreme Court*

**BRIEF FOR PROFESSOR RICHARD A. LEO
AS AMICUS CURIAE
IN SUPPORT OF RESPONDENT**

CHRISTOPHER D. MAN

Counsel of Record

ERICA E. PAULSON

JUSTIN B. SLAUGHTER

MCDERMOTT, WILL & EMERY LLP

600 THIRTEENTH STREET, N.W.

WASHINGTON, D.C. 20005

(202) 756-8000

Counsel for Amicus Curiae

Professor Richard A. Leo

October 30, 2009

QUESTION PRESENTED

Whether, under *Miranda v. Arizona*, 384 U.S. 436 (1966), a suspect is adequately informed of his right to the presence of counsel *during* custodial interrogation when advised only of his “right to talk to a lawyer *before* answering any of our questions.”

TABLE OF CONTENTS

QUESTION PRESENTED i

TABLE OF CONTENTS ii

TABLE OF AUTHORITIES iv

INTEREST OF *AMICUS CURIAE* 1

SUMMARY OF ARGUMENT 3

ARGUMENT 5

I. HISTORY DEMONSTRATES THAT SOME
LAW ENFORCEMENT AGENCIES WILL
SEEK TO DILUTE *MIRANDA* 5

 A. Overzealous Police Practices Continue To
 Exist 5

 B. Numerous Studies Have Documented Law
 Enforcement’s Efforts To Evade *Miranda’s*
 Goals 7

 1. Police Possess a Variety of Interrogation
 Tactics to De-Emphasize *Miranda* 9

 2. There Are Strategic Customs that
 Minimize the Impact of *Miranda* 11

II. THE TAMPA POLICE DEPARTMENT’S
TREATMENT OF *MIRANDA* DEMONSTRATES
THAT SOME LAW ENFORCEMENT
AGENCIES WILL SEEK TO DILUTE
MIRANDA 13

CONCLUSION 21

APPENDIX

Appendix A: Summary Chart and *Miranda*
Forms Used in Florida 1a

Appendix B: Tampa Police Department, Legal
Bulletin #09-14 (June 30, 2009) 234a

TABLE OF AUTHORITIES

CASES

<i>California v. Prysock</i> , 453 U.S. 355 (1981)	7, 13
<i>Davis v. United States</i> , 512 U.S. 452 (1994)	13
<i>Duckworth v. Eagan</i> , 492 U.S. 195 (1989)	13
<i>Edwards v. Arizona</i> , 451 U.S. 477 (1981)	13
<i>Fare v. Michael C.</i> , 442 U.S. 707 (1979)	13
<i>Iowa v. Tovar</i> , 541 U.S. 77 (2004)	13
<i>Miranda v. Arizona</i> , 384 U.S. 436 (1966)	<i>passim</i>
<i>Missouri v. Seibert</i> , 542 U.S. 600 (2000)	6, 7
<i>Montejo v. Louisiana</i> , 129 S. Ct. 2079 (2009)	13, 17
<i>Rigterink v. State</i> , 2 So. 3d 221 (Fla. 2009), <i>petition for cert. filed</i> , 77 U.S.L.W. 3563 (U.S. Mar. 31, 2009) (No. 08- 1229)	15

<i>Roberts v. State</i> , 874 So. 2d 1225 (Fla. 4th Dist. Ct. App. 2004)	14, 15
<i>Thompson v. State</i> , 595 So. 2d 16 (Fla. 1992)	16
<i>United States v. Taylor</i> , No. 05-60072-CR, Magistrate Judge’s Report and Recommendation (S.D. Fla. July 26, 2005)	14
<i>United States v. Taylor</i> , No. 05-60072-CR, Court Order (S.D. Fla. Aug. 9, 2005)	14

OTHER AUTHORITIES

Heidi Boghosian, Book Review, <i>Police Interrogation and American Justice</i> , 55 Fed. Law. 47 (2008) .	1
Jon Burstein, <i>Miranda Mess Imperils Convictions; Single Missing Word On Form Lets Accused Killers Walk</i> , South Fla. Sun-Sentinel, Jul. 13, 2005, at 1A	19
Mark A. Godsey, <i>Shining the Bright Light on Police Interrogation in America</i> , 6 Ohio St. J. Crim. L. 711 (2009)	1, 2
Yale Kamisar, <i>Symposium: On the Fortieth Anniversary of the Miranda Case: Why We Needed It, How We Got It - And What Happened to It</i> , 5 Ohio St. J. Crim. L. 163 (2007)	2

- Richard A. Leo, *Miranda's Irrelevance, Questioning the Relevance of Miranda in the Twenty-First Century*, 99 Mich. L. Rev. 1000 (2001) . . . *passim*
- Richard A. Leo, *Police Interrogation and American Justice* (2008) 1
- Richard A. Leo, *The Effects of Miranda v. Arizona: "Embedded" in Our National Culture?*, 2002 Crime & Just. 203 (2002) 8
- Richard A. Leo, *The Impact of Miranda Revisited*, 86 J. Crim. L. & Criminology 621 (1996) . . . 2, 7, 8, 9
- Richard A. Leo & Welsh S. White, *Adapting To Miranda: Modern Interrogators' Strategies for Dealing with the Obstacles Posed by Miranda*, 84 Minn. L. Rev. 397 (1999) 10, 11, 12
- Ephraim Margolin, Book Review, *Police Interrogation and American Justice*, 32 Champion 57 (2008) 1
- Paula McMahan & Ihosvani Rodriguez, *Feds Make Miranda Blunder; Drug Case Error Similar to Broward's*, South Fla. Sun-Sentinel, Aug. 6, 2005, at 1B 14
- Richard Rogers et al., *The Language of Miranda Warnings in American Jurisdictions: A Replication and Vocabulary Analysis*, 32 Law & Hum. Behav. 124 (2008) 15
- Christopher Slobogin, *Confessions and Police Disclosure*, 39 Tex. Tech L. Rev. 1275 (2007) . . 2

Tampa Police Department, Legal Bulletin #09-14 (June 30, 2009)	17
George C. Thomas III, <i>Stories About Miranda</i> , 102 Mich. L. Rev. 1959 (2004)	2, 8
Charles D. Weisselberg, <i>Mourning Miranda</i> , 96 Cal. L. Rev. 1521 (2008)	9, 10, 12, 18

INTEREST OF *AMICUS CURIAE*

Professor Richard A. Leo submits this *amicus curiae* brief in support of Respondent Kevin Dewayne Powell.¹ Professor Leo is an Associate Professor of Law at the University of San Francisco and has authored numerous works concerning *Miranda v. Arizona*, 384 U.S. 436 (1966). The focus of his work has been to determine, based on empirical research, how law enforcement officers and agencies have altered their questioning of suspects through custodial interrogations in response to *Miranda*. His book, *Police Interrogation and American Justice* (2008), is based on materials gathered from numerous police interrogation training seminars; a review of interrogation training manuals published since 1940; numerous in-depth interviews with interrogators and suspects over the course of a decade; and analyses of the police reports, trial transcripts and interrogation tapes from more than 2,000 felony cases involving confessions.² The book draws upon years of research,

¹ No counsel for a party authored any part of this brief. No person or entity other than Professor Leo and his counsel made any monetary contribution towards the preparation or submission of this brief. Both parties have given written consent to the filing of this brief.

² Professor Leo's research into the ways in which *Miranda* operates in practice has received numerous accolades. See, e.g., Mark A. Godsey, *Shining the Bright Light on Police Interrogation in America*, 6 Ohio St. J. Crim. L. 711 (2009) ("ground-breaking empirical research"); Ephraim Margolin, Book Review, *Police Interrogation and American Justice*, 32 Champion 57 (2008) ("the best book on this subject;" "both convincing and brilliant"); Heidi Boghosian, Book Review, *Police Interrogation and American Justice*, 55 Fed. Law. 47 (2008) ("Leo's book is a powerful

including Professor Leo's previous extensive study of police interrogation practices in California. See Richard A. Leo, *The Impact of Miranda Revisited*, 86 J. Crim. L. & Criminology 621 (1996) ["*Miranda Revisited*"] (based on "almost 200 police interrogations . . . observed in more than nine months of participant observation fieldwork inside the criminal investigation divisions of three police departments" in California).³

Given his expertise, Professor Leo has been invited to train police interrogators in numerous states, and he has served on advisory committees to police departments. "It is fair to say that there are few, if any, scholars who have witnessed the interrogation battlefield from the trenches, as Leo." Godsey, *supra*, at 712; accord Yale Kamisar, *Symposium: On the Fortieth Anniversary of the Miranda Case: Why We Needed It, How We Got It - And What Happened to It*, 5 Ohio St. J. Crim. L. 163, 193 (2007) (Professor Leo "probably knows more about the dynamics of police interrogation than anyone else in academia.").

Professor Leo is submitting this brief because the Solicitor General surprisingly has filed a brief in support of Florida that not only takes a position that

contribution to criminal justice public policy."); Christopher Slobogin, *Confessions and Police Disclosure*, 39 Tex. Tech L. Rev. 1275, 1282 (2007) ("the most comprehensive research on interrogations in the United States"); George C. Thomas III, *Stories About Miranda*, 102 Mich. L. Rev. 1959, 1965 (2004) ("pioneering").

³ The results of Professor Leo's study on police interrogation are in line with a recent study by George C. Thomas III. *Stories About Miranda*, 102 Mich. L. Rev. 1959 (2004).

would invite law enforcement agencies to reduce the clarity of the *Miranda* warnings currently used in most jurisdictions, but has done so based on assumptions that are not supported by empirical research and the reality of police interrogation policies and practices in America. See Brief of Solicitor General, *Florida v. Powell* (No. 08-1175) (2009) [“SG Br.”]. Professor Leo believes that an accurate understanding of how *Miranda* is implemented in practice will assist the Court in appreciating the potential real world consequences of its decision in this case.

SUMMARY OF ARGUMENT

Professor Leo’s research demonstrates that the same need to control “overzealous police practices” that led this Court to require law enforcement to give persons subject to custodial interrogation *Miranda* warnings continues to exist today. *Miranda v. Arizona*, 384 U.S. 436, 444 (1966). The Court adopted the *Miranda* rule to address those circumstances where law enforcement officers were coercing confessions, even though the Court acknowledged such practices were an “exception” to the way law enforcement normally operated. *Id.* at 447. While the vast majority of law enforcement today has adapted to *Miranda*, there remain overzealous law enforcement officers and agencies that seek to circumvent the protections afforded in *Miranda*. Indeed, the warnings given by the Tampa Police Department in this case suggest a desire to do just that.

The reason that law enforcement has adapted to *Miranda* – and that some law enforcement agencies, like the Tampa Police Department, remain outliers –

is that *Miranda's* dictates are clear and this Court has vigorously enforced the *Miranda* rule. To be sure, *Miranda* has its detractors in law enforcement who have sought to circumvent the decision through a myriad of ways and, to some extent, they have succeeded in undermining *Miranda*. But the clarity of *Miranda's* warnings and the certainty that this Court will enforce *Miranda* has led to the current regime where language touching upon all the required warnings is conveyed in almost all cases.

If the Court were to weaken the *Miranda* warnings or substitute gray areas for the clarity that *Miranda* now provides, the walls that protect *Miranda's* core would crumble. Law enforcement agencies cannot be expected to afford the accused more rights than they have to, so a downward revision in *Miranda's* requirements should be expected to result in a downward revision in the near uniform *Miranda* warnings that are now given. And those who seek to skirt *Miranda* can be expected to test whether the Court would allow other well-settled aspects of the *Miranda* warnings to fall to the wayside as well. Given that the law is now clear and that law enforcement has adapted to *Miranda*, see Brief of Respondent, *Florida v. Powell* (No. 08-1175)(2009) ["Resp. Br."] at 24-44, there is no reason to weaken the current *Miranda* regime.

ARGUMENT**I. HISTORY DEMONSTRATES THAT SOME LAW ENFORCEMENT AGENCIES WILL SEEK TO DILUTE *MIRANDA*****A. Overzealous Police Practices Continue To Exist**

The Solicitor General has suggested that the Court should relax its rigorous enforcement of the warnings required by *Miranda* because “law enforcement agencies have little incentive to replace the conventional warnings with some other phrasing because doing so would increase both the risks of suppression and the litigation costs of defending any statement” SG Br. at 17 n.7. Indeed, the Solicitor General could only come up with three reasons why law enforcement officials may fail to give standard warnings: (1) a mistake by the officer in giving the warning; (2) a mistake in translating the *Miranda* warnings into a non-English language; and (3) when a change in circumstances, such as a foreign interrogation, may require the standard language be adapted to those circumstances. *Id.* at 13-14.

Most notably, the Solicitor General fails to identify one other possible reason law enforcement may not give the required warnings – and the reason that actually motivated this Court to adopt the *Miranda* rule in the first place – that law enforcement may be attempting to secure confessions through coercive practices. *See, e.g., Miranda*, 384 U.S. at 444 (noting that the required warnings were being adopted as “procedural safeguards” against “overzealous police practices”). The Solicitor General merely states in a

footnote that “[n]othing in the record suggests that the Tampa police department adopted the particular warnings at issue here for the purpose of undermining the protections of *Miranda*.” SG Br. at 16 n.6.

While Professor Leo does not dispute the Solicitor General’s suggestion that most law enforcement officers throughout the country follow *Miranda*’s dictates, he does take issue with the assumptions seemingly underlying the Solicitor General’s support of Florida here. This Court did not adopt the *Miranda* rule out of a perceived need to change the conduct of law enforcement officers generally, but to eliminate certain “overzealous police practices,” which it saw as an “exception” to the usual practices – albeit practices that remained “sufficiently widespread to be the object of concern.” *Miranda*, 384 U.S. at 447. Such “overzealous police practices” still exist today. Indeed, this Court only recently had to invalidate an interrogation strategy, “which by any objective measure reveal[ed] a police strategy adapted to undermine the *Miranda* warnings.” *Missouri v. Seibert*, 542 U.S. 600, 616 (2000) (plurality); *id.* at 618 (Kennedy, J., concurring) (“The interrogation technique used in this case is designed to circumvent *Miranda v. Arizona*.”). And, as in *Seibert*, there is every indication that the warnings read to Mr. Powell by the Tampa Police Department were changed from the standard *Miranda* warning for the purpose of circumventing *Miranda*.

The reason law enforcement generally follows the requirements of *Miranda*, as the Solicitor General claims, is that law enforcement understands that this Court is serious about enforcing the *Miranda* rule. Providing the warning is “simple” and easy for courts

to enforce because “a warning is a clearcut fact,” which in practice often eliminates the otherwise thorny questions concerning whether a confession was made voluntarily. *Miranda*, 384 U.S. at 468-69 (explaining that in the absence of a simple warning, determining whether a statement was made voluntarily requires “speculation”); see *Seibert*, 542 U.S. at 608-09 (explaining that *Miranda* helps the government because “giving the warnings and getting a waiver has generally produced a virtual ticket of admissibility”); *California v. Prysock*, 453 U.S. 355, 359 (1981) (explaining that courts have “stressed as one of the virtues of *Miranda* the fact that the giving of the warning obviates the need for a case-by-case inquiry into the actual voluntariness of the admissions of the accused”). But if the Court were to permit the warning at issue here to stand, then those who the *Miranda* rule was designed to deter will find it easier to circumvent the spirit, if not the letter, of *Miranda*.

B. Numerous Studies Have Documented Law Enforcement’s Efforts To Evade *Miranda*’s Goals

Although the inauguration of *Miranda* warnings largely ended the era of “third-degree” interrogations, *Miranda Revisited*, at 688, and fostered increased professionalism in the treatment of suspects by interrogators, Richard A. Leo, *Miranda’s Irrelevance, Questioning the Relevance of Miranda in the Twenty-First Century*, 99 Mich. L. Rev. 1000, 1026 (2001) [“*Miranda’s Irrelevance*”], this does not mean that the ultimate aims of *Miranda* have been accepted by all in law enforcement. Instead, some law enforcement personnel have tended to respect the letter of *Miranda* but not its spirit, with some officers even openly

admitting that they think to themselves: “How can we get around *Miranda*, what is the best way, the quickest way to get through this thing, song and dance it, sugarcoat it, or whatever.” *Miranda Revisited*, at 665. As a result, numerous techniques have been designed and implemented to help interrogators control their suspects and prompt confessions, thereby diluting the very purpose of *Miranda*. *Miranda’s Irrelevance*, at 1003.

Shortly after *Miranda* was decided, the legal and social science communities began empirical studies to identify and analyze police implementation of, and compliance with, the new *Miranda* requirements. These scholars also analyzed law enforcement attitudes toward *Miranda*; how *Miranda* warnings affect police and suspect behavior during interrogation; and the impact of *Miranda* on confession, clearance and conviction rates. *Id.* at 1002. The early studies were largely completed by 1973, but there was a renewed interest in *Miranda*’s effects during the mid-1990s, and a second round of empirical *Miranda* impact studies has been conducted over the last fifteen years. *Id.* at 1005.

In a nutshell, the researchers generally agree that, despite some early hesitation, law enforcement agencies now appear to issue complete *Miranda* warnings in virtually all cases. This change is partially mitigated by police behavior, however, because law enforcement seem to have successfully “adapted” to the *Miranda* requirements by developing strategies and practices that are intended to induce *Miranda* waivers. *Id.*; see George C. Thomas III and Richard A. Leo, *The Effects of Miranda v. Arizona: “Embedded” in Our National Culture?*, 2002 Crime &

Just. 203, 244 (2002). Presumably because of consistent judicial interpretation of *Miranda*, for the most part, law enforcement agencies have not attempted to tinker with the actual language of the *Miranda* warnings set forth in the standard forms used throughout the country. Rather, the prevailing practice has been to undermine those warnings through their delivery. If the decision below is reversed, however, those in law enforcement who now use more subtle means to circumvent *Miranda*'s goals may be emboldened to make a frontal attack on *Miranda*'s core, by manipulating the language of the *Miranda* warnings themselves.

1. Police Possess a Variety of Interrogation Tactics to De-Emphasize *Miranda*

Although almost all law enforcement personnel read a *Miranda* warning standardized by their jurisdiction, interrogators often combine this reading with a variety of methods to blunt the effects of the actual *Miranda* warning. *Miranda Revisited*, at 650.⁴

⁴ Many of these techniques can be traced to “The Reid Method” developed by John E. Reid. The Reid Method is a system that is taught all across Florida to law enforcement officials. See Charles D. Weisselberg, *Mourning Miranda*, 96 Cal. L. Rev. 1521, 1530-37 (2008) [*Mourning Miranda*]. The Reid Method, which has trained over 300,000 law enforcement officers in the last thirty-five years, uses nine steps to systematically break down the resistances of a suspect through isolation, sympathy and direct confrontation. *Id.* at 1530-32. The Method also stresses the importance of talking, suggesting clemency for confession and ignoring denials. *Id.* at 1532-33. The method even specifies what technical alterations to the interrogation room should be made to maximize stress and a desire to confess in suspects – of particular

One of the most common strategies employed by police interrogators is to de-emphasize the significance of the *Miranda* warnings. Richard A. Leo & Welsh S. White, *Adapting To Miranda: Modern Interrogators' Strategies for Dealing with the Obstacles Posed by Miranda*, 84 Minn. L. Rev. 397, 433 (1999) [*Adapting to Miranda*"]. Interrogators typically begin the interrogation by engaging in small talk with the suspect to build rapport. *Id.* When the *Miranda* warning is eventually mentioned, the interrogator portrays the reading of the warnings as an unimportant bureaucratic ritual and communicates either implicitly or explicitly that he expects the suspect will waive his rights as a matter of course. *Id.* Alternatively, some interrogators de-emphasize the warnings by blending them into the conversation, suggesting the warnings are nothing that should concern the suspect. *Id.* at 433-34. By de-emphasizing the significance and substance of the warnings, the police increase the likelihood these warnings will be waived.

Overt de-emphasis is far from the only tactical strategy available to interrogators. Another strategy is to call attention to the formality of the warnings, and suggest they are simply a matter of routine that must be dispensed with. *Id.* at 434. Other interrogators attempt to banalize the *Miranda*

note is the Method's directive that "[chairs] should be straight-backed, and the manuals contain diagrams showing how the chairs should be positioned." *Id.* at 1532. The Reid Method is a prime example of how law enforcement seeks every advantage in the interrogation room, and it demonstrates that while police have an incentive to follow the letter of *Miranda*, their actions often fail to live up to *Miranda's* ideals.

warning by referring to the fact that the warning is the same as those a suspect has seen on television. *Id.* at 434-35. Such moves drain the warning of its legal significance by suggesting that it is just a bureaucratic practice, rather than a critical moment during questioning. *Id.*

Interrogators also understate the importance of the *Miranda* warnings by focusing on how important it is for the suspect to tell his side of the story and for the police to hear his version. *Id.* at 435-36. This strategy telegraphs to the suspect that he will receive a benefit from the police in exchange for waiving his *Miranda* rights. Indeed, explicitly offering a suspect a benefit in exchange for waiving his right to an attorney under *Miranda* is another technique that often is employed by police interrogators. *Id.* at 440-47.

2. There Are Strategic Customs that Minimize the Impact of *Miranda*

Beyond these tactical innovations in the interrogation room itself, law enforcement has created a number of systemic customs that tilt interrogations in their favor. For instance, law enforcement seek to dodge the obstacles of *Miranda* by casting interrogations as non-custodial in nature or aiming to get an implicit waiver. *Miranda's Irrelevance*, at 1017. Because *Miranda* is implicated only when a suspect is legally in custody, law enforcement simply tell the suspect that he is not under arrest and free to leave at any time. *Id.* Such offers are often made only after police have transported a suspect to a station with the express purpose of questioning him, with the result that a suspect does not actually feel free to leave and therefore frequently makes an incriminating

statement. *See id.* Similarly, police around the country are now educated regularly on how to get suspects to give an implied waiver, a refusal of their rights under *Miranda* without an express statement to that effect. *Mourning Miranda*, at 1585. Such educations focus on the “strategic advantages of implied waivers” and encourage interrogators to regard any statement by the suspect “to the officer [as] an implied waiver of his right to remain silent.” *Id.* at 1586.

Even if a suspect does attempt to invoke his *Miranda* rights, law enforcement personnel have been trained to continue interrogating the suspect if they believe they will not be alone with the suspect again. *Adapting to Miranda*, at 448-49. In such a “one-shot” situation, an interrogator may seek to either question the suspect outside *Miranda* or even try to change the suspect’s mind. *Id.* Although such persuasion can be as subtle as an interrogator responding to a suspect’s request for an attorney by asking why she wants an attorney, it can be extremely effective. *Id.*

As these brief examples from the literature on the empirical studies of *Miranda* show, law enforcement use many techniques to undermine the aims of *Miranda*. Thus, the Solicitor General’s assumption that law enforcement would have no incentive to deviate from the standard warning, *see* SG Br. at 6, 16, is inconsistent with the empirical research, which demonstrates that many in law enforcement believe they have every incentive to dilute *Miranda* and will weaken *Miranda* in practice when they perceive an ability to do so. The assumption also is contrary to the practices in Tampa that led to this case.

II. THE TAMPA POLICE DEPARTMENT'S TREATMENT OF *MIRANDA* DEMONSTRATES THAT SOME LAW ENFORCEMENT AGENCIES WILL SEEK TO DILUTE *MIRANDA*

The Solicitor General gives weight to the fact that “[n]othing in the record suggests that the Tampa police department adopted the particular warnings at issue here for the purpose of undermining the protections of *Miranda*.” SG Br. at 16 n.6. Viewing the record in that light puts blinders on to the empirical studies discussed above, and it also is contrary to Florida’s experience with forms like the one at issue here.

Ever since this Court decided *Miranda*, it has been clear that “an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him *during* interrogation” *Miranda*, 384 U.S. at 471 (emphasis added); see *Montejo v. Louisiana*, 129 S. Ct. 2079, 2085 (2009) (“during interrogation”); *Iowa v. Tovar*, 541 U.S. 77, 89 (2004) (“during questioning”); *Davis v. United States*, 512 U.S. 452, 457 (1994) (“during questioning”); *Duckworth v. Eagan*, 492 U.S. 195, 204 (1989) (“before and during questioning”); *California v. Prysock*, 453 U.S. 355, 361 (1981) (“prior to and during interrogation”); *Edwards v. Arizona*, 451 U.S. 477, 482 (1981) (“during custodial interrogation”); *Fare v. Michael C.*, 442 U.S. 707, 717 (1979) (“during interrogation”). It also is not difficult for law enforcement to clearly instruct someone being interrogated that they have the right to counsel during questioning. As the Solicitor General notes, while the exact language used in the warnings by federal law enforcement vary somewhat, every federal law enforcement agency provides warnings that explicitly

advise of the right to counsel during questioning. SG Br. at 12 & n.3 (listing and quoting from forms).⁵

Moreover, the Tampa Police Department did not have to look to federal law enforcement for a template that would call attention to the right to counsel “during” questioning. Even within Florida at the time of Mr. Powell’s questioning in 2004, notice of the right to counsel during questioning was given in nearly all of the *Miranda* forms in use in that state. *Roberts v. State*, 874 So. 2d 1225, 1227 (Fla. 4th Dist. Ct. App.

⁵ While the Solicitor General may be correct that all of the forms “at present” expressly advise suspects of their full rights, this was not the case even four years ago in Florida. In the summer of 2005, a federal court in Florida threw out the statements of four men accused of drug-smuggling because the Department of Homeland Security used a faulty standard warning form similar to the one at issue here. *United States v. Taylor*, No. 05-60072-CR, Court Order (S.D. Fla. Aug. 9, 2005) (adopting July 26, 2005 Magistrate Judge’s Report finding a *Miranda* violation). Like the warning form now before this Court, the Homeland Security form provided: “You have the right to talk to a lawyer for advice before we ask you any questions,” but it did not also mention the constitutional right to an attorney during questioning. *United States v. Taylor*, No. 05-60072-CR, Magistrate Judge’s Report and Recommendation at 5 (S.D. Fla. July 26, 2005). Although Homeland Security reportedly was surprised to learn that one of its field offices was using a deficient form and undertook efforts to standardize its warning forms nationally, this episode underscores the fact that even some in the federal government are not immune from the desire to minimize *Miranda* warnings. Paula McMahon & Ihosvani Rodriguez, *Feds Make Miranda Blunder; Drug Case Error Similar to Broward’s*, South Fla. Sun-Sentinel, Aug. 6, 2005, at 1B.

2004);⁶ see *Rigterink v. State*, 2 So. 3d 221 (Fla. 2009) (noting the “vast majority” of Florida’s law enforcement agencies give such warnings), *petition for cert. filed*, 77 U.S.L.W. 3563 (U.S. Mar. 31, 2009) (No. 08-1229). Indeed, in a survey of more than 900 *Miranda* forms in use nationwide, all but five of the surveyed forms contained language specifically advising of the right to counsel during questioning. SG Br. at 13 n.4 (citing Richard Rogers et al., *The Language of Miranda Warnings in American Jurisdictions: A Replication and Vocabulary Analysis*, 32 Law & Hum. Behav. 124, 131 (2008)).

In fact, the Tampa Police Department used to give the correct and standard “during” instruction, but later amended its standard forms to omit that *Miranda* warning. The “Consent to be Interviewed” form (Tampa Police Department Form 310) that previously was used by the Tampa police required a suspect to sign a waiver that included this sentence: “I further understand that *prior to or during* this interview that I have the right to have an attorney present.”

⁶ The *Roberts* court took judicial notice of 90 *Miranda* forms (including the Broward County form at issue in that case) used by law enforcement agencies throughout Florida and noted that 89 of them “contained the warning that the accused is entitled to an attorney during questioning, or words to that effect.” *Roberts*, 874 So. 2d at 1227. While the *Roberts* court correctly recognized that warnings like the ones given Powell are extreme outliers, the court’s tally appears slightly off. It appears that 4 of the 90 forms in the *Roberts* record – 2 from Broward County, 1 from the Bartow Police Department and the 1 from the Tampa Police Department at issue in this case – advise of only the right to counsel before questioning. A chart reflecting the relevant language from these 90 forms, and the actual forms themselves, are attached as Appendix A.

(emphasis added). See *Thompson v. State*, 595 So. 2d 16, 17 (Fla. 1992) (describing form used by Tampa police in 1986).

Given that warnings advising of the right to counsel “during” questioning have been required repeatedly by this Court, that such warnings are included in nearly all *Miranda* forms in use both nationally and in Florida, and that the Tampa Police Department actually had a form that contained such language, why would the Tampa Police Department change its *Miranda* form?⁷ Petitioner has not offered any explanation for why Tampa chose to break from its prior practice and the standard *Miranda* warnings used by law enforcement both nationally and throughout Florida. While the record does not firmly establish the Tampa Police Department’s motives for changing the standard language of its *Miranda* forms, the empirical research demonstrating that law enforcement often manipulates its interrogation strategies to undermine *Miranda* casts doubt upon the Solicitor General’s presumption that there is some innocuous explanation for the change.

⁷The *Miranda* warnings in this case were given to the Respondent in the following formulation:

You have the right to remain silent. If you give up the right to remain silent, anything you say can be used against you in court. 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.

That doubt builds when the Tampa Police Department's approach to other aspects of *Miranda* are considered. On June 30, 2009, the Tampa Police Department issued a Legal Bulletin advising personnel regarding this Court's *Montejo* decision. That Legal Bulletin advised officers that because they "must scrupulously honor a suspect's request for a lawyer, it is obviously better from a law enforcement perspective if the suspect does not request a lawyer." Tampa Police Department, Legal Bulletin #09-14, at 2 (App. B).

The Legal Bulletin then outlined several techniques that officers could use to minimize the chance that a suspect will invoke his right to counsel. For instance, the Legal Bulletin advised that officers should give the *Miranda* warning in parts. They should first advise a suspect of his right to remain silent, followed by asking the suspect if he would like to talk to the officer. If the suspect is willing to talk, then the officer is advised to continue the *Miranda* warning and advise the suspect of his right to counsel. If the suspect states that he does not wish to talk after being advised of his right to remain silent, the bulletin advises that there is no need to mention his right to counsel. This omission decreases the probability that the suspect will automatically invoke his right to counsel. The bulletin advises officers to re-approach a suspect who has invoked his right to remain silent in a few minutes or a few hours to see if he has changed his mind. *Id.* at 2-3.

In addition to instructing its officers to give *Miranda* warnings in separate parts to discourage access to counsel, the Legal Bulletin also advised its officers not to give *Miranda* warnings as a matter of

course to every suspect or person that is arrested, but only to those that specifically need to be questioned in custody. *Id.* at 2. It further advises officers that they can avoid *Miranda* altogether if they are able to conduct their questioning when a suspect is outside of custody or as part of a general inquiry. *Id.* If a *Miranda* warning must be given, the officers are told to do all that they can to lessen the chances that a suspect will request a lawyer.⁸ This advisory appears directly contrary to the Solicitor General's assumptions concerning the reason the form was changed.

Beyond Tampa, the flaws in the Solicitor General's assumptions are revealed by the experience of another Florida law enforcement agency that chose to use a similar form. In Broward County between February 1999 and November 2002, sheriff's deputies used a *Miranda* rights form like the one at issue in this case that advised suspects that they could request an attorney before questioning, but omitted mentioning that they have the right to have an attorney present during questioning. In a letter to the Broward County Sheriff in May 2001, State Attorney Michael Satz

⁸ These sorts of law enforcement legal memoranda are not uncommon. In Los Angeles County, a training memo from the District Attorney's office stressed the numerous situations in which a suspect's statement in a custodial interview can be admitted despite the absence of a *Miranda* warning. The memo then implicitly encouraged interrogators not to give *Miranda* warnings at all, rhetorically asking if "knowledge of *the truth* about *Miranda* [might] sometimes cause an interrogating officer to conclude that s/he might have something to gain through custodial interrogation without waivers?" *Mourning Miranda*, at 1554.

reportedly “most strongly” recommended changing the form to include a statement that explicitly advised suspects of the right to an attorney during questioning. Jon Burstein, *Miranda Mess Imperils Convictions; Single Missing Word On Form Lets Accused Killers Walk*, South Fla. Sun-Sentinel, Jul. 13, 2005, at 1A. The Sheriff’s Office reportedly dismissed the State Attorney’s suggestions and continued to use the form that excluded reference to the right to the presence of an attorney during questioning. *Id.* Additionally, in response to the State Attorney’s advice to change the form, a Lieutenant Colonel in the county Sheriff’s Office wrote in an internal memorandum that, “[a]dding additional cautionary warnings pertaining to a suspect’s rights to counsel are not mandated by law and are in my opinion an additional obstacle for our investigators to overcome.” *Id.*

Professor Leo’s research documents a great number of subtle ways that law enforcement has sought to undermine the *Miranda* warnings, but there are few instances where a major law enforcement agency (as opposed to a rogue officer) has sought to thwart *Miranda* by manipulating the actual language of the warnings themselves. While the more subtle attacks upon *Miranda* have done considerable damage to the significance of the warnings, the warning form at issue here is contrary to the very core of *Miranda*. If this Court were to allow such warnings to suffice, *Miranda*’s prophylactic rule will fail to protect against much at all in the real world.⁹

⁹ Admittedly, Professor Leo believes that the original ruling of *Miranda* has been whittled down over the last several decades to the point that much of its original goals have been lost. *Miranda*’s

* * *

If the Court affirms the decision by the Florida Supreme Court, the Court will do nothing more than confirm existing practices in nearly every jurisdiction across the county. Should the Court reverse, however, it will create incentives for law enforcement nationwide to experiment with the *Miranda* warnings as they are now given, providing further opportunity to law enforcement to change the standard *Miranda* formulation in an effort to dilute the warning. Indeed, the history of *Miranda* demonstrates that some law enforcement agencies and officials will seek to do just that. The result will likely be protracted litigation over less-than-clear warnings. The Court should preserve *Miranda*'s requirements and affirm the decision below.

Irrelevance, at 1025-26. He believes that courts have been too quick in concluding that a confession was made voluntarily simply because the required warning was literally given, even though the warning was given in a manner that was designed to make the warning less meaningful. Professor Leo believes the situation would be greatly improved by requiring all interrogations be videotaped. Nevertheless, the present situation would be made worse by this Court holding that Tampa's form does not violate *Miranda* and condoning a frontal assault on the very heart of *Miranda*.

CONCLUSION

The judgment of the Florida Supreme Court should be affirmed.

Respectfully submitted,

CHRISTOPHER D. MAN

Counsel of Record

ERICA E. PAULSON

JUSTIN B. SLAUGHTER

MCDERMOTT, WILL & EMERY LLP

600 THIRTEENTH STREET, N.W.

Washington, D.C. 20005

(202) 756-8000

Counsel for Professor Richard A. Leo

APPENDIX

Appendix A: Summary Chart and *Miranda*

Forms Used in Florida	1a
Alachua County Sheriff's Office	1a
Baker County Sheriff's Office	4a
Bay County Sheriff's Office	9a
Bradford County Sheriff's Office	13a
Brevard County Sheriff's Office	15a
Broward County Sheriff's Office	18a
Calhoun County Sheriff's Office	20a
Charlotte County Sheriff's Office	22a
Citrus County Sheriff's Office	25a
Clay County Sheriff's Office	29a
Collier County Sheriff's Office	31a
Columbia County Sheriff's Office	35a
DeSoto County Sheriff's Office	38a
Duval County (City of Jacksonville) Sheriff's Office	40a
Escambia County Sheriff's Office	42a
Flagler County Sheriff's Office	44a
Glades County Sheriff's Office	46a
Hendry County Sheriff's Office	48a
Hernando County Sheriff's Office	51a
Highlands County Sheriff's Department . . .	55a
Holmes County Sheriff's Department	57a
Jackson County Sheriff's Department	59a
Jefferson County Sheriff's Department	61a
Lake County Sheriff's Office	65a
Lee County Sheriff's Office	68a
Leon County Sheriff's Office	70a
Levy County Sheriff's Office	72a
Liberty County Sheriff's Office	75a
Madison County Sheriff's Office	79a
Manatee County Sheriff's Office	81a
Marion County Sheriff's Office	83a
Martin County Sheriff's Office	85a

Okaloosa County Sheriff's Department	87a
Okeechobee County Sheriff's Office	89a
Orange County Sheriff's Office	92a
Palm Beach County Sheriff's Office	93a
Pasco County Sheriff's Office	95a
Pinellas County Sheriff's Department	98a
Putnam County Sheriff's Office	100a
Santa Rosa County Sheriff's Office	102a
Sarasota County Sheriff's Office	104a
Seminole County Sheriff's Office	108a
St. Lucie County Sheriff's Office	114a
Sumter County Sheriff's Office	117a
Suwannee County Sheriff's Office	121a
Union County Sheriff's Department	123a
Volusia County Sheriff's Office	124a
Walton County Sheriff's Office	126a
Wakulla County Sheriff's Office	128a
Washington County Sheriff's Department .	130a
Bartow Police Department	132a
Bradenton Police Department	135a
Town of Davie Police Department	136a
Coconut Creek Public Safety Department .	138a
Fort Myers Police Department	140a
City of Fort Pierce Police Department	142a
Gainesville Police Department	144a
Hialeah Police Department	147a
Key West Police	149a
Lauderhill Police Department	152a
Margate Police Department	155a
Melbourne Police Department	157a
Ocala Police Department	161a
Village of North Palm Beach Public Safety Department	163a
Palm Beach Police Department	164a
Palm Beach Gardens Police Department . .	166a
Pensacola Police Department	172a

Plantation Police Department	174a
City of Sanford Police Department	177a
Sarasota Police Department	179a
St. Petersburg Police Department	182a
Stuart Police Department	184a
Tallahassee Police Department	186a
Tampa Police Department	190a
Unknown	193a
Vero Beach Police Department	195a
Florida Highway Patrol	196a
Florida Department of Law Enforcement . .	198a
State Attorney, First Circuit	200a
State Attorney, Second Circuit	202a
State Attorney, Seventh Circuit	206a
State Attorney, Tenth Circuit	209a
State Attorney, Fifteenth Circuit	211a
State Attorney, Sixteenth Circuit	214a
State Attorney, Nineteenth Circuit	219a
State Attorney, Twentieth Circuit	222a
Unknown	226a
Unknown	228a
Broward County Sheriff's Department (1999)	230a
FBI Form	232a
Appendix B: Tampa Police Department, Legal Bulletin #09-14 (June 30, 2009)	
	234a

Compendium of *Miranda* Language in Florida

Jurisdiction	Language
Alachua County Sheriff's Office	"You have the right to talk to a lawyer for advice before being questioned, and you have the right to have him/her with you while being questioned. If you cannot afford to hire a lawyer, one will be provided for you. Do you understand?"
Baker County Sheriff's Office	"You are entitled to talk to an attorney now and have him present now or at any time during questioning."
Bay County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."
Bradford County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."
Brevard County Sheriff's Office	"I have the right to consult with a lawyer. I have the right to have a lawyer present during this interview."
Broward County Sheriff's Office	"You have the right to talk with a lawyer and have a lawyer present before any questioning."

Jurisdiction	Language
Calhoun County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Charlotte County Sheriff's Office	"You have the right to talk to an attorney and have him present with you while you are being questioned."
Citrus County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Clay County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Collier County Sheriff's Office	"I have the right to talk to a lawyer and have him present with me while I am being questioned."
Columbia County Sheriff's Office	"If you wish, you have the right to call or obtain an attorney at this time and ask his advice before saying anything, and to have him with you during any questioning."
DeSoto County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Duval County (City of Jacksonville) Sheriff's Office	"You have the right to talk to a lawyer for advice before you make a statement or before any questions are asked of you, and to have the lawyer with you during any questioning."

Jurisdiction	Language
Escambia County Sheriff's Office	"You have the right to have a lawyer present while being questioned."
Flagler County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Glades County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Hendry County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."
Hernando County Sheriff's Office	"You have the right to talk to a lawyer and have one present with you while you are being questioned."
Highlands County Sheriff's Department	"You have the Right to talk to a lawyer for advice before we ask you any questions and to have hi with you during questioning if you wish. Do you understand?"
Holmes County Sheriff's Department	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Jackson County Sheriff's Department	"You have the right to consult with a lawyer before you answer any questions or make any statement and to have him present during questioning."

Jurisdiction	Language
Jefferson County Sheriff's Department	"I further understand that prior to or during this interview that I have the right to have an attorney present."
Lake County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Lee County Sheriff's Office	"Anything you say can be used as evidence against you in court. If you wish, you have the right to call or obtain an attorney at this time and ask his advice before saying anything, and to have him with you during any questioning."
Leon County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you during questioning."
Levy County Sheriff's Office	"You have the right to talk to a lawyer for advice before being questioned. You have the right to have him/her with you while being questioned."
Liberty County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her present with you during questioning."
Madison County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."

Jurisdiction	Language
Manatee County Sheriff's Office	"You have the right to talk to an attorney and have him/her present with you while you are being questioned."
Marion County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Martin County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."
Okaloosa County Sheriff's Department	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."
Okeechobee County Sheriff's Office	"You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning. Do you understand that right?"
Orange County Sheriff's Office	"You are entitled to talk to an attorney now and have him present now or at any time during questioning."
Palm Beach County Sheriff's Office	"You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning."

Jurisdiction	Language
Pasco County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Pinellas County Sheriff's Department	"Do you understand that you have the right to talk to a lawyer and have him present with you while you are being questioned?"
Putnam County Sheriff's Office	"I have the right to talk to a lawyer and have him present with me while I am being questioned."
Santa Rosa County Sheriff's Office	"You have the right to have a lawyer present while being questioned."
Sarasota County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."
Seminole County Sheriff's Office	"You are entitled to talk to an attorney now and have him present now or at any time during questioning."
St. Lucie County Sheriff's Office	"I have the right to talk to a lawyer and have him present with me while I am being questioned."
Sumter County Sheriff's Office	"You have the right to talk to a lawyer and have him present with you while you are being questioned."

Jurisdiction	Language
Suwannee County Sheriff's Office	"You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning."
Union County Sheriff's Department	"You have the right to talk to a lawyer for advice before being questioned, and you have the right to have him with you while being questioned."
Volusia County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her with you during questioning."
Walton County Sheriff's Office	"You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning."
Wakulla County Sheriff's Office	"You have the right to a lawyer for advice before we ask you any questions, and to have a lawyer present with you during questioning."
Washington County Sheriff's Department	"You have the right to talk to a lawyer and have him present with you while you are being questioned."
Bartow Police Department	"You have the right to talk to a lawyer before answering any of our questions."

Jurisdiction	Language
Bradenton Police Department	“You have the right to talk to a lawyer and have him Present with you while you are being questioned.”
Town of Davie Police Department	“You have the right to consult with a lawyer before answering any questions, and to have him present while you are being questioned. Do you understand?”
Coconut Creek Public Safety Department	“You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.”
Fort Myers Police Department	“You have the right to talk to a lawyer for advice during questioning.”
City of Fort Pierce Police Department	“You have the right to talk to an attorney for advice before we ask you any questions, and to have him with you during questioning.”
Gainesville Police Department	“You have the right to talk to a lawyer for advice before being questioned, and you have the right to have him/her with you while being questioned. If you cannot afford to hire a lawyer, one will be provided for you. Do you understand that?”

Jurisdiction	Language
Hialeah Police Department	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.”
Key West Police	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him you during questioning.”
Lauderhill Police Department	“You are entitled to talk to an attorney now and have him present now or at any time during questioning.”
Margate Police Department	“You have the right to speak to an attorney before speaking to the police and to have an attorney present during questioning now or in the future.”
Melbourne Police Department	“You have the right to consult with a lawyer now and at any time during this interview, if you can not afford a lawyer, one will be provider [sic] for you, without cost to you at any time. Do you understand?”
Ocala Police Department	“That I have the right to talk to a lawyer and to have him present with me while I am being questioned.”
Village of North Palm Beach Public Safety Department	“You have the right to the presence of a lawyer of your choice before you make any statements and during any questioning.”

Jurisdiction	Language
Palm Beach Police Department	“You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.”
Palm Beach Gardens Police Department	“You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.”
Pensacola Police Department	“You have the right to a lawyer for advice before we ask you any questions and to have him with you during questioning.”
Plantation Police Department	“ ‘You have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future’ Do you understand?”
City of Sanford Police Department	“You are entitled to talk to an attorney now or have one present now or at any time during questioning.”
Sarasota Police Department	“I understand that I have the right to talk to an attorney and have him present with me while I am being questioned.”
St. Petersburg Police Department	“Do you understand that you have the right to have an attorney present while you are being questioned?”

Jurisdiction	Language
Stuart Police Department	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.”
Tallahassee Police Department	“You have the right to talk to a lawyer and have him present with you while you are being questioned.”
Tampa Police Department	“You have the right to talk to a lawyer before answering any of our questions.”
Unknown	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.”
Vero Beach Police Department	“You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.”
Florida Highway Patrol	“You have the right to talk to a lawyer for advice before I ask you any questions and to have him with you during questioning.”
Florida Department of Law Enforcement	“You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning.”
State Attorney, First Circuit	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.”

Jurisdiction	Language
State Attorney, Second Circuit	“You have the right to talk to a lawyer and have him present with you while you are being questioned.”
State Attorney, Seventh Circuit	“You have the right to talk to an attorney and have him with you now or at any time during questioning; if you cannot afford an attorney, one will be appointed to represent you.”
State Attorney, Tenth Circuit	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her with you during questioning.”
State Attorney, Fifteenth Circuit	“You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.”
State Attorney, Sixteenth Circuit	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her present with you during questioning.”
State Attorney, Nineteenth Circuit	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.”
State Attorney, Twentieth Circuit	“You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning if you wish.”

Jurisdiction	Language
Unknown	“You have the right to talk to a lawyer and have him present with you while you are questioned.”
Unknown	“You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.”
Broward County Sheriff’s Department (1999)	“You have the right to talk with a lawyer and have a lawyer present before any questioning.”
FBI Form	“You have the right to talk to a lawyer for advice before we ask you any questions. You have the right to have a lawyer with you during questioning.”

APPENDIX A

ALACHUA COUNTY SHERIFF'S OFFICE
[SEAL] Gainesville, Florida

WAIVER OF RIGHTS FORM

(Name of Individual)

Before we ask you any questions, you must understand what your rights are. You have the right to remain silent. You are not required to say anything or answer any questions. Anything that you say can and will be used against you in court.

Do you understand? ____ Signature: _____

You have the right to talk to a lawyer for advice before being questioned, and you have the right to have him/her with you while being questioned. If you cannot afford to hire a lawyer, one will be provided for you.

Do you understand? ____ Signature: _____

If you want to answer questions now without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time you want to talk to a lawyer.

Do you understand? ____ Signature: _____

WAIVER

I have read or had read to me that statement of my rights as stated above. I understand what my rights are. I am willing to answer questions and make a statement. I do not want a lawyer at this time, although I understand that I can have one. No promises or threats have been made by anyone to cause me to make a statement. I have not been mistreated or harmed by anyone to cause me to make a statement.

Signature: _____

What is your age? _____ Date of Birth? _____

Place of Birth? _____

How far did you go in school? _____

Do you understand the statement written above? _____

Are you presently under the influence of alcohol, drugs, or medication? _____

Signature: _____

Upon the inquiry as to this individual's mental condition, age, education, experience, the nature of the complexity of the case, and other factors, the following witnesses certify and attest to the signature of the individual above, before them, stating that no threats or coercion were made to the individual to persuade him/her to execute the above, and they have observed the individual prior to his/her signature and believe

3a

his/her choice to be intelligent, understanding and voluntary.

Witness

Place

Witness

Date/Time

ACSO 93-04 REV 06/96

[SEAL] *Baker County*
Sheriff's Office

Waivers & Affidavits

Name of Person Signing:

Zone:

Case Number:

Type of Incident:

Deputy Name:

Date:

Miranda Warning

The constitution requires that I inform you that:

1. You have the right to remain silent.
2. Anything you say will be used in court as evidence against you.
3. You are entitled to talk to an attorney now and have him present now or at any time during questioning.
4. If you cannot afford an attorney, one will be appointed for you without cost.
5. Do you desire to consult with an attorney first or to have one during this interview? **YES** **NO**
6. If, at any time hereafter, you wish to remain silent or have an attorney present, all questioning will be stopped.
7. Has anyone, at any time, threatened, coerced or promised you anything in order to induce you to make a statement now? **YES** **NO**
8. Do you understand these rights? **YES** **NO**
9. Do you wish to talk to us at this time? **YES** **NO**

CONSENT TO SEARCH

I, [initial] consent and agree to allow Baker County Sheriff's Deputies and employees to search my _____, located at _____. I further consent and agree to allow Baker County Sheriff's Deputies and Employees to search all areas located in my _____, and all buildings, structures, and vehicles adjacent to my _____, including all containers located therein. My consent and agreement to search is freely given. I understand that I may refuse to allow Baker County Sheriff's Deputies and Employees to search my _____.

FORGED SIGNATURE AFFIDAVIT

_____, being duly sworn according to law deposes and says that _____ No. _____ purported to be signed by _____, drawn on the _____ dated _____, payable to the order of _____, the sum of _____ was not _____, by him/her or with his/her knowledge and consent. Said affiant further states that any signature which appears on said check as _____ is not his/her signature nor did he/she authorize said signature to be made. The affiant further states that he/she never received any benefit from said check or any part thereof, and further states that he/she did not present this check for negotiation or payment.

**MISSING PERSON/JUVENILE
RUNAWAY AFFIDAVIT**

I, [initial] certify that _____ has been missing since _____.

I am the:

6a

- Parent Family Member Legal Guardian
 Physician and/or other authoritative source of the above person.

The above listed person is missing due to: () Runaway () Unknown circumstances () Physical/mental disability () In the company of another person under circumstances indicating physical danger () Involuntary disappearance. I give my permission to release dental records or any other medical records on the above missing person. I further agree to notify the Baker County Sheriff's Office immediately upon receiving any additional information concerning the above.

FALSE INFORMATION AFFIDAVIT

I, [initial] certify that the statements made to the above listed Baker County Sheriff's Office Law Enforcement Official concerning the above listed incident/offense were voluntarily made. I further certify that I am aware of the following statute and penalties as provided by Florida Statutes 837.05, 775.082 and 775.083 to wit: Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable by a definite term of imprisonment not exceeding one year or a fine not exceeding \$1,000.

**VEHICLE LOSS OR DAMAGE
RELEASE AFFIDAVIT**

I, [initial] give my permission in lieu of impounding by the Baker County Sheriff's Office for the

Year:
Make:
Model:
Body Style:
Color (Top/Bottom):
VIN:
Tag:
State:

that I have been operating to () remain at: _____
() be released to: _____ This decision was
made by me after the Deputy listed above explained
the possibility of damage or loss. By affixing my
signature of this form, I release and hold harmless the
Sheriff of Baker County of any and all responsibility
for damage or loss which may occur as a result of the
release of this vehicle as aforesaid.

DECLINATION OF INTENT

I, [initial] request not to prosecute _____ in
regards to my complaint of _____.
I do not desire further investigation to be conducted in
this matter. I will not willingly testify and hold free
and absolve from any further duty in regard to this
matter the Baker County Sheriff and all its employees.

Sworn to and subscribed before me, the undersigned
authority, this ____ day of _____, 20 ____.

Notary Public Law Enforcement Officer

I swear and affirm the above statements are correct
and true.

8a

Signature

9a

**WORLDWIDE
INVESTIGATIONS, INC.**

May 2, 2002

Honorable Guy Tunnell
Bay County Sheriff
3421 N. Highway 77
Panama City, Florida 32405

Dear Sheriff Tunnell:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Department.

The form requested is the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material; and in that regard, I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC :lw
Enclosure

10a

02-437

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

11a

YOUR RIGHTS

Place: _____

Date: _____

Time: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

12a

Signed: _____

Witness: _____

Witness: _____

Time: _____

**BRADFORD COUNTY SHERIFF'S OFFICE
CRIMINAL INVESTIGATIONS DIVISION**

CONSTITUTIONAL RIGHTS

Before you make any statement or answer any questions, you must fully understand your constitutional rights.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in court.
3. You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning.
4. If you cannot afford an attorney, the court will appoint one for you without cost and before any questioning.
5. If you decide to answer questions now, you have the right to stop answering at any time during questioning.

I have read the above statements and fully understands what my rights are.

(Signed) _____

(Date) _____

WAIVER OF RIGHTS

I have carefully read the above information concerning my constitutional rights and I fully understand what my rights are. Knowing these rights, I am willing to make a statement at this time and answer questions posed to me without the presence of an attorney. I have made this decision knowingly, intelligently, and voluntarily. No promises, threats, or inducements of any kind have been made to me, nor has any pressure or coercion been used against me, in order to obtain my statement or to persuade me to answer questions.

(Signed) _____

(Date) _____

PERSON EXPLAINING
RIGHTS: _____

WITNESS: _____

TIME & DATE: _____

PLACE: _____

**BREVARD COUNTY SHERIFF'S OFFICE
STATEMENT OF SUSPECT**

I. STATEMENT INFORMATION

INTERVIEWING DEPUTY/AGENT
DATE
TIME
LOCATION
CASE REPORT #

II. PERSONAL IDENTIFICATION

NAME (LAST, FIRST, MIDDLE)
RACE / GENDER
DATE OF BIRTH
TELEPHONE (HOME) (WORK)

HOME ADDRESS
WORK ADDRESS

**III. ACKNOWLEDGEMENT OF OFFENSES
AND MIRANDA RIGHTS**

I have been advised that I am suspected of the following offenses:

SUSPECT INITIALS	and I have been advised that I have the following rights according to the 5th Amendment to the U.S. Constitution.
	I have the right to remain silent
	Any statement I make can be used against me in court.

	I have the right to consult with a lawyer.
	I have the right to have a lawyer present during this interview.
	If I cannot afford a lawyer and want one, a lawyer will be appointed for me.
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offenses(s) under investigation.
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.
	I fully understand my rights and that my signature does not constitute an admission of guilt.

17a

SIGNATURE OF SUSPECT	SIGNATURE OF WITNESS/INTERVIEWER
PAGE OF PAGES	

18a

[SEAL]
SHERIFF'S OFFICE
BROWARD COUNTY
SHERIFF KEN JENNE

MIRANDA WARNING

BEFORE I ASK YOU ANY QUESTIONS, I WANT TO ADVISE YOU OF YOUR CONSTITUTIONAL RIGHTS.

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to talk with a lawyer and have a lawyer present before any questioning.
4. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish.

Do you understand each of these rights I have read to you? _____

WAIVER OF RIGHTS

I, _____, have read this statement of my rights or have had it read to me and I understand what my rights are. With these rights in mind I am willing to answer questions without a lawyer present. This waiver of rights is signed of my own free will without any threats or promises having been made to me.

Signature Date/Time

19a

Witness Signature Date/Time

Deputy Signature/CCN Date/Time

Location: _____

Case#: _____

BSO RP#17A (New 2/99)

20a

[SEAL]
CALHOUN COUNTY
DAVID L. TATUM
SHERIFF

Statement of Miranda Rights

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

Waiver of Rights

I have read the above statements of my rights and I understand each of those rights, and having these rights in mind I waive them and willingly make a statement.

Witnessed by:

Officer's Name

21a

Officer's Department

Date: _____, 19 _____

Time: _____ M.

**CHARLOTTE COUNTY SHERIFF'S OFFICE
PUNTA GORDA, FL 33982**

**MIRANDA WARNING AND WAIVER OF
RIGHTS**

OCA _____

NAME: _____

D.O.B.: _____

ID#: _____ BOOKING #: _____

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO AN ATTORNEY AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU WANT AN ATTORNEY AND CANNOT AFFORD ONE, AN ATTORNEY WILL BE APPOINTED TO REPRESENT YOU, FREE OF CHARGE, BEFORE ANY QUESTIONING.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENT.

1. DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU:

YES / NO

INITIALS

2. HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO ME NOW:

YES / NO

INITIALS

(PRINT) NAME OF ARRESTING DEPUTY / ID#

SIGNATURE OF ARRESTING DEPUTY

SIGNATURE OF DEFENDANT

SIGNATURE OF PARENT /
GUARDIAN

DATE / TIME

WAIVER OF RIGHTS

I HAVE READ THIS STATEMENT OF RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I AM

24a

WILLING TO MAKE A STATEMENT AND ANSWER
QUESTIONS. I DO NOT WANT AN ATTORNEY AT
THIS TIME. I UNDERSTAND AND KNOW WHAT I
AM DOING. NO PROMISES OR THREATS HAVE
BEEN MADE TO ME AND NO PRESSURE OR
COERCION OF ANY KIND HAS BEEN USED
AGAINST ME.

SIGNATURE OF DEFENDANT

SIGNATURE OF DEPUTY / ID#

SIGNATURE OF WITNESS / ID#

INV-RP.3.112000

25a

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

Citrus County Sheriff
1 South Park Avenue
Inverness, Florida 34450

Dear Sirs:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC:lw

26a

Enclosure

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

Statement of Miranda Rights

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY OR DO CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO USE THESE RIGHTS AND STOP ANSWERING QUESTIONS OR REFUSE TO MAKE A STATEMENT

Waiver of Rights

I HAVE READ THE ABOVE STATEMENT OF MY RIGHTS AND I UNDERSTAND EACH OF THOSE RIGHTS, AND HAVING THESE RIGHTS IN MIND I WAIVE THEM AND WILLINGLY MAKE A STATEMENT.

SIGNED: _____

Age _____

Address _____

Date _____ Time _____ Location _____

Witnessed by: _____ Witnessed by: _____

Witnessed by: _____ Witnessed by: _____

THE ABOVE STATEMENT OF RIGHTS
WERE READ TO:

Full Name _____ S.S. No _____

28a

Race ____ Sex ____ D.O.B. ____ Ht. ____
Wt. ____ Hair ____ Eyes ____
Marks, Cars, Tattoos ____
Address ____ Phone ____

Occupation _____
SCHOOL, OR EMPLOYER,
ADDRESS AND PHONE NUMBER

Education _____
HIGHEST GRADE ACHIEVED

School ____ Read English ? ____
YES/NO

Last Ate ____ Wha: ____
TIME DATE

Last Slept ____
TIME DATE

Health ____ Complaints ____
Attitude ____
Place of Birth ____ Marital Status ____

Spouse: _____
NAME, ADDRESS, PHONE IF MARRIED

Mother's Name ____ Address ____
Father's Name ____ Address ____
Comments ____

OFFICER'S SIGNATURE ____ DEPT ____
DATE ____ TIME ____ CASE ____

**Clay County Sheriff's Office
Clay County, Florida**

YOUR CONSTITUTIONAL RIGHTS

PLACE: _____

DATE: _____

TIME: _____

**YOU HAVE THE FOLLOWING RIGHTS
UNDER THE UNITED STATES
CONSTITUTION**

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 talk to a lawyer and have him present with you while you are being questioned.

If you cannot afford to hire a lawyer, one will be appointed to represent you before questioning, if you wish.

You can decide, at any time, to exercise these rights and not answer any questions or make any statements.

I HAVE carefully read and listened to the above information and **I fully understand my rights.**

Witness/Person Explaining Rights

30a

Witness

Signature

Name (Print)

Address (Street)

City

State

ZIP

CSO/P-023 (rev 11/93)

31a

**WORLDWIDE
INVESTIGATIONS. INC.**

April 2, 2002

Collier County Sheriff
3301 Tamiami Trail E.
Courthouse Complex Bldg. J
Naples, Florida 34112

Dear Sirs:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC:lw

32a

Enclosure

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

MIRANDA WARNING

1. I have the right to remain silent.
2. Anything I say can and will be used against me in a court of law.
3. I have the right to talk to a lawyer and have him present with me while I am being questioned.
4. If I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning, if I wish.
5. I can decide at any time to exercise these rights and not answer any questions or make any statements.

I understand each of these rights.

Having these rights in mind, I wish to talk to you now.

(WITNESS)

(DEFENDANT)

(DATE)

(TIME)

1. Yo tengo el derecho do quedarme callado.
2. Caulquier cosa que diga puede emplearse y se empleara en contra de mi en el juzgado.

3. Yo tengo el derecho de hablar con un abogado y de pedirle que este presente mientras que me interogan.
4. Si yo no puedo pagar a un abogado, se nombrara uno para representarme antes de que me interroguen, si lo deseo yo.
5. Yo puendo decidir cuano quiera ejercer estos derechos y no contestar ningunas preguntas ni hacer ningunas declaraciones.

Yo entiendo cada uno de estos derechos.

Teniendo en cuenta estos derechos, yo quiero hablar con ustedes ahora.

(TESTIGO)

(DEFENDIENTE)(FECHA)

35a

[SEAL]

FRANK E. OWENS, SHERIFF
COLUMBIA COUNTY
POST OFFICE BOX 650,
LAKE CITY, FLORIDA 32056-0650

Residence 752-3430
Emergency Communications 752-3222
Administrative Office 752-9212
Investigations 752-7015
Patrol 758-1376
Detention Center 755-7000

May 5, 2002

Worldwide Investigations, Inc.
750 S. E. Third Ave., Suite 201
Fort Lauderdale, Fl.33316

RE: Miranda Waiver

Mr. Cacciatore

I received your request for a copy of the currently used
Miranda Waiver that's signed and initialled by the
suspect. I am sending you the current form. If you
have any questions, please feel free to contact me.

Sincerely,

/s/Wayne Keen
Dir: Wayne Keen

YOUR RIGHTS

Before we ask you any questions concerning an alleged _____ you must fully understand your rights.

You have the right to remain silent.

Anything you say can and will be used as evidence against you in court.

If you wish, you have the right to call or obtain an attorney at this time and ask his advice before saying anything, and to have him with you during any questioning.

If you want an attorney and cannot afford to hire one, the court will appoint one for you and you have a right to this court appointed attorney's advice before saying anything and to have him present with you during any questioning.

If you decide to answer questions now and waive your rights to first talk with an attorney or have an attorney present with you during questioning, you will still have the right to stop answering at any time until you talk to a lawyer.

(Signed) _____

WAIVER OF RIGHTS

I have carefully read the above statement and I fully understand what my rights are. I do not want an attorney at this time and I am willing to make a statement and answer any questions concerning this investigation. I fully understand and know what I am

37a

doing. No promises, threats, or inducements have been made to me and no pressure or coercion of any kind has been used against me.

(Signed) _____

Witness: _____

Witness: _____

Time & Date: _____

Place: _____

DESOTO COUNTY SHERIFF'S OFFICE

NAME: _____

DOB: _____

SS.# _____

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
 4. IF YOU CAN NOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.
 5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENT.
-
1. DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
_____.
 2. HAVE YOU PREVIOUSLY REQUESTED ANY LAW ENFORCEMENT OFFICER TO ALLOW YOU TO SPEAK TO AN ATTORNEY? _____

39a

3. HAVING THESE RIGHTS RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW? _____.

DEFENDANT SIGNATURE

OFFICER SIGNATURE ID# DATE: _____

WITNESS SIGNATURE ID# TIME: _____

WAIVER OF RIGHTS

I HAVE READ THIS STATEMENT OF RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS. I DO NOT WANT AN ATTORNEY AT THIS TIME. I UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES OR THREATS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME.

DEFENDANT SIGNATURE

OFFICER SIGNATURE ID#

WITNESS SIGNATURE ID #

40a

OFFICE OF THE SHERIFF
CONSOLIDATED CITY OF JACKSONVILLE

CONSTITUTIONAL RIGHTS

PLACE: _____

DATE: _____

TIME: _____

You have the following rights under the United States Constitution:

- You do not have to make a statement or say anything.
- Anything you say can be used against you in court.
- You have the right to talk to a lawyer for advice before you make a statement or before any questions are asked of you, and to have the lawyer with you during any questioning.
- If you cannot afford to hire a lawyer, one will be appointed for you before any questioning if you wish.
- If you do answer questions, you have the right to stop answering questions at any time and consult with a lawyer.

Signature

41a

Witness

Witness

42a

RON McNESBY [SEAL] P.O. BOX 18770
ESCAMBIA COUNTY PENSACOLA, FL 32523
SHERIFF (850) 436-9630

ESCAMBIA COUNTY SHERIFF'S OFFICE

THIS IS AN OFFICIAL FORM OF THE ESCAMBIA COUNTY SHERIFF'S OFFICE. IT IS PART OF AN INVESTIGATIVE PROCEDURE AND MUST BE COMPLETED BY ALL OFFICERS OF THE ESCAMBIA COUNTY SHERIFF'S OFFICE.

PLACE: _____

TIME: _____

DATE: _____

BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS. (Initial each)

- ___ 1. You have the right to remain silent.
- ___ 2. Anything you say can be used as evidence against you in court.
- ___ 3. You have the right to have a lawyer present while being questioned.
- ___ 4. If you cannot afford to hire a lawyer, a lawyer will be appointed for you, without costs, Before questioning.

43a

___5. If you wish to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time.

WAIVER

I have read the statement of my rights shown, and I understand what my rights are. No promises or threats have been made to me and no pressure of any kind has been used against me.

Signed _____

WITNESS: _____

WITNESS: _____

Revised 3/98
Form 43-92

Flager Co. Sheriffs Offc.

Statement of Miranda Rights

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. It you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

Waiver of Rights

I have read the above statement of my rights and I understand each of those rights, and having these rights in mind I waive them and willingly make a statement.

Witnessed by:

Officer's Name

45a

Officer's Department

Date: _____, 19____

Time: _____M.

46a

JAMES RIDER
SHERIFF
GLADES COUNTY SHERIFF'S OFFICE
MIRANDA WARNING

Name: _____

Date: _____

Officer: _____

Miranda Warning

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statement.

Waiver

After the warning and in order to secure a waiver, the following questions should be asked and a affirmative reply secured to each question.

47a

1. Do you understand each of these rights I have explained to you?

_____Yes _____No

2. Having these rights in mind do you wish to talk with us now?

_____Yes _____No

Witness Signature

Defendant's Signature

[SEAL]

HENDRY COUNTY SHERIFF'S OFFICE

ADVISEMENT OF MIRANDA RIGHTS

Person Interviewed: (LAST, First Middle)

Date of Birth:

Date of Interview:

Time of Interview – BEGIN:

Interviewer (1):

Complaint/Case Number:

Adult Juvenile

Interviewer (2):

Offense Charged and/or Investigated:

Statute Number:

(Initial if understood)



- YOU HAVE THE RIGHT TO REMAIN SILENT..... _____
- ANYTHING THAT YOU SAY CAN BE USED AGAINST YOU IN COURT..... _____
- YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND TO HAVE HIM WITH YOU DURING QUESTIONING..... _____
- IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONING..... _____

- IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER..... _____

I, _____, have been advised of my Miranda Rights as stated above and completely understand each of my Miranda Rights solely because of my desire to freely and voluntarily cooperate and assist in this investigation. I have not been promised anything or been coerced in any way to give this statement. No inducement of any kind been held out to me in order for me to give this statement in this investigation.

I am not under the influence of any narcotic/drug (Illegal or legal), alcoholic beverage, and/or other substance, and fully understand the circumstances surrounding this investigation by the above-mentioned officer(s). I am also not under the care of any doctor or other person for psychological disorders and am in full control of my actions.

Signature - Person Interviewed: X_____

Signature/Printed Name - Interviewer (1):

Signature/Printed Name - Interviewer (2):

50a

Time Signed: _____ Time interview - End: _____

HCSO FORM

HERNANDO COUNTY SHERIFF'S OFFICE
CASE NUMBER _____ DATE: _____

() WAIVER OF SEARCH

I hereby give my full consent that my _____ located at _____ may be searched by Sheriff's Deputies of Hernando County, Florida. I give this consent freely and voluntarily, without compulsion or threats of any kind. I fully understand my constitutional rights in regard to the search and it is my intention to fully and completely waive such rights.

I further agree that anything or article that may be found in the search of my _____ may be used in trial in any matter of which I stand accused.

SIGNATURE

WITNESS: _____

WITNESS: _____

() AFFIDAVIT OF STOLEN VEHICLE

I, the undersigned do hereby report the theft of my (year) _____ (make) _____ (model) _____ and (VIN) _____ on the _____ day of _____, at or about _____ AM/PM, and if you succeed in recovering the said vehicle and apprehending the person guilty of its theft, I do hereby bind myself to prosecute the said guilty person and to appear and testify against him in whatever court he may be tried I further agree to notify the Hernando County Sheriff's Office immediately upon the recovery of said vehicle by

52a

any other law enforcement agency or otherwise, and I personally assume all responsibility for any consequences which may result from my failure to do so.

Signed this _____ day of _____.

SIGNATURE

ADDRESS

WITNESS: _____

WITNESS: _____

() ON SITE VEHICLE RELEASE

Instead of impoundment by the Hernando County Sheriff's Office, I, _____, do hereby give permission to leave/relinquish custody of my (year) _____ (make) _____ (model) _____ (tag) _____ (state) _____ that I have been operating at/or with (location/person) _____ (D/L#) _____. I am aware that the Hernando County Sheriff's Office will not be responsible for any cost, loss, or damage to this vehicle as a result of my decision.

SIGNATURE

WITNESS: _____

WITNESS: _____

() WAIVER OF PROSECUTION

I, _____, do hereby authorize the Hernando County Sheriff's Office not to prosecute _____ regarding my complaint. I am satisfied with the manner in which the investigation was conducted. Also, I hereby release the Sheriff's Office of any responsibility regarding this complaint and request that any further investigations not be pursued

SIGNATURE

WITNESS: _____

WITNESS: _____

() STATEMENT OF MIRANDA 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 talk to lawyer and have one present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statement.

() WAIVER OF RIGHTS

_____ I have read the above statement of my rights and I understand each of those rights and having these rights in mind. I waive them and willingly make a statement.

54a

SIGNATURE

WITNESS: _____

WITNESS: _____

() DOMESTIC VIOLENCE PAMPHLET

I have received a copy of the domestic violence pamphlet supplied by the Hernando County Sheriff's Office.

SIGNATURE

WITNESS: _____

WITNESS: _____

**HIGHLANDS COUNTY
SHERIFF'S DEPARTMENT**

YOUR RIGHTS

SUBJECT: _____ PLACE: _____

INTERROGATING

OFFICER: _____ DATE: _____

TIME: _____

_____, before I ask you any questions I want to advise you of your Rights under the law. Do you understand that am a Police Officer?
_____.

You have the Right to remain silent. Do you understand? _____.

Anything you say can be used against you in court. Do you understand? _____.

You have the Right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning if you wish. Do you understand?
_____.

If you cannot afford to pay a lawyer, one will be appointed for you at no immediate charge, before any questioning if you wish. Do you Understand?
_____.

If you decide to answer questions now without a lawyer present you will still have the Right to stop answering at any time. You also have the Right to stop

56a

answering at any time until you talk to a lawyer. Do you understand? _____.

WAIVER OF RIGHTS: I, _____, have read/been read this statement or my Rights and I understand what my Rights are . I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threat have been made to me and no pressure of coercion of any kind has been used against me.

BY: _____

WITNESSES:

DATE: _____ TIME: _____

**HOLMES COUNTY SHERIFF'S DEPARTMENT
211 N. OKLAHOMA ST.
BONIFAY, FLORIDA 32425**

STATEMENT OF MIRANDA RIGHTS

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER OF RIGHTS

I have read the above statement of my rights and I understand each of these rights, and having these rights in mind, I waive them and willingly make a statement.

Witnessed by: _____

Date: _____

58a

Time form completed: _____

59a

Complaint # _____

Jackson County Sheriff's Department

Name: _____ Place: _____

DOB/Age: _____

Speak English? Yes__ No__ Date: _____

Read English? Yes__ No__ Time: _____

Highest Grade Completed _____ Officer's Name: _____

STATEMENT OF RIGHTS

Before you answer any questions or make any statement, you must fully understand your MIRANDA 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 consult with a lawyer before you answer any questions or make any statement and to have him present during questioning.
- If you cannot afford a lawyer, one will be appointed for you before questioning or at anytime during questioning if you so desire.

60a

- If you answer questions or make a statement without consulting a lawyer or without having a lawyer present, during questioning, you will still have the absolute right to stop answering questions or making any statement until you consult with a lawyer or have a lawyer present during further questioning.

**ACKNOWLEDGMENT AND
WAIVER OF RIGHTS**

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. I further wish to state that I have not previously requested any law enforcement officer to allow me to speak to a lawyer.

Signed _____

Witness: _____

Witness: _____

Time: _____

**JEFFERSON COUNTY SHERIFF'S
DEPARTMENT.
CONSENT AND RELEASE**

Page ____ of _____

Date: _____

Report No.: _____

I, _____, the undersigned,

CONSENT TO BE INTERVIEWED

I, [int.] do hereby consent to being interviewed by _____ Concerning the offense of _____ I understand that I need not consent to being interviewed nor am I required to make any further statement whatsoever. That I have the right to remain silent and not answer any questions asked of me relative to this crime. I further understand that if I do make a statement or answer any questions that said statement, whether written or oral, could and will be used against me if I am prosecuted for this offense. I further understand that prior to or during this interview that I have the right to have an attorney present. I further understand that if I am unable to hire an attorney and I desire to consult with an attorney or have one present during this interview that I may do so and this interview will terminate. I further understand that at any time that I desire I can have this interview stopped. Knowing my rights, I hereby, prior to being interviewed, waive my rights to consult with an attorney or to have one present during this interview. Any and all statements I will make will be freely and voluntarily made. No promises, threats or inducements of any kind or nature whatsoever have been promised me in order to consent to this interview.

Prior to my signature being affixed hereto, this statement has been read to me in its entirety and I fully understand the same.

CONSENT TO SEARCH/WAIVER OF SEARCH WARRANT

I, [int.] hereby voluntarily give my full consent that the premises and/or building or enclosures located therein, and/or vehicle(s) located at _____ may be searched by an authorized Law Enforcement Officer. I give this consent freely and voluntarily, without compulsion, threat, or promise of any kind. I understand my constitutional right to refuse a search of said premises and/or vehicle(s) without a search warrant and it is my intention to fully and completely waive such right by this consent. I further understand that anything or any article that may be found in this search of the premises and/or vehicle(s) will be used at trial in any manner of which I may be accused.

FALSE OFFENSE/STOLEN VEHICLE REPORT

I, [int.] certify that the statements made to _____ concerning the offense _____ were voluntarily made. I further certify that I am aware of the following statute and penalties as provided by 837.05, 775.082 and 775.083, to wit:

Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable by a definite term of imprisonment not exceeding one year and/or a fine not exceeding \$1,000.00.

I further agree to notify the **Jefferson County Sheriff's Department** immediately upon recovery of my property by myself or any other Law Enforcement Agency or any other person.

RELEASE OF RESPONSIBILITY

I, [int.] authorize officer(s) _____
of the **Jefferson County Sheriff's Department** to
leave my vehicle _____ with/
Year Make Model Tag No.
parked at _____
Person/Location

I expressly release the above named officer(s) and the **Jefferson County Sheriff's Department** from any liability whatsoever due to damage; loss or theft of the above described vehicle.

COMPLAINT WITHDRAWAL AFFIDAVIT

I, [int.] certify that I am satisfied with the investigation conducted by the **Jefferson County Sheriff's Department** concerning the offense of _____, and I am hereby withdrawing my complaint. I understand a suspect in this case is _____ and I may secure an arrest warrant at a later date, if I so desire.

Signed this ____ day of _____, 19 ____, at ____
o'clock ____m.

64a

Witnesses

Signature/Authority

Deputy

**CERTIFICATE OF
MIRANDA WARNING AND WAIVER**

I hereby declare: That I am an officer of the _____ Department, and that on _____, 19____, at ____ (a.m.) (p.m.), I interviewed _____ at _____.
(location)

and that prior to that interview, and before any questioning, I advised the person named above the following:

- “1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you, before any questioning, if you wish one.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.”

That after informing the person named above of the foregoing, I asked him if he understood the rights that I had stated, to which he replied:

66a

That I then asked him if, having in mind and understanding his rights, he was willing to talk to me, to which he replied: _____

That the above answers were given freely and voluntarily, without the making of any threats or promises, and not under duress, pressure or coercion of any kind.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____ (a.m.) (p.m.) on _____
19____.

Signature of Officer

WAIVER OF RIGHTS

I have read the above statement of my rights and understand each of those rights, and having these rights in mind I waive them and willingly make a statement.

Signature

Witnessed by:

Officer

Department

67a

GEORGE E. KNUPP, JR.
Sheriff

[Seal]

MARK BREWER
LEGAL ADVISOR

Lake County Sheriff's Office

Office (352) 343-9511

Fax (352) 343-9476

E-mail: mbrewer@lcso.org

Emergency 911

360 W. Ruby Street

Tavares, Florida 32778-3877

68a

[SEAL]

*Office of the Sheriff
Major Crimes Unit*

*Rodney Shoap
State of Florida
County of Lee*

CASE NO : 01-253001
PLACE : LCSO
TIME : 6:52am.
DATE : 10/25/01
AGENT :

BEFORE I/WE ASK YOU ANY QUESTIONS CONCERNING AN ALLEGED L & L YOU MUST FULLY UNDERSTAND YOUR RIGHTS.

YOU HAVE THE RIGHT TO REMAIN SILENT. ab

ANYTHING YOU SAY CAN BE USED AS EVIDENCE AGAINST YOU IN COURT. IF YOU WISH, YOU HAVE THE RIGHT TO CALL OR OBTAIN AN ATTORNEY AT THIS TIME AND ASK HIS ADVICE BEFORE SAYING ANYTHING, AND TO HAVE HIM WITH YOU DURING ANY QUESTIONING. ab

IF YOU WANT AN ATTORNEY AND CANNOT AFFORD TO HIRE ONE, THE COURT WILL APPOINT ONE FOR YOU AND YOU HAVE THE RIGHT TO THIS COURT APPOINTED ATTORNEY'S ADVICE BEFORE SAYING ANYTHING AND TO HAVE HIM PRESENT WITH YOU DURING ANY QUESTIONING. ab

IF YOU DECIDE TO ANSWER QUESTIONS NOW AND WAIVE YOUR RIGHTS TO FIRST TALK WITH AN ATTORNEY OR HAVE AN ATTORNEY PRESENT WITH YOU DURING QUESTIONING,

69a

YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER. ab

WAIVER OF RIGHTS

I HAVE CAREFULLY READ THE ABOVE STATEMENT AND I FULLY UNDERSTAND WHAT MY RIGHTS ARE. I DO NOT WANT AN ATTORNEY AT THIS TIME AND I AM WILLING TO MAKE A STATEMENT AND ANSWER ANY QUESTIONS CONCERNING THIS INVESTIGATION. I FULLY UNDERSTAND AND KNOW WHAT I AM DOING. NO PROMISES, THREATS, OR INDUCEMENTS HAVE BEEN MADE TO ME AND NO PRESSURE OR COERCION OF ANY KIND HAS BEEN USED AGAINST ME. ab

WITNESS:

SIGNED:

WITNESS: _____

TIME : 6:56 AM

LCSO FORM NO

70a

[SEAL] *Sheriff LARRY CAMPBELL*
Leon County Sheriff's Office

01-10521
Case #: 01-110462/01-118908
Date: 7/17/01
Time: 2/29 hrs.
Name:
Location: L.C.J.

WARNING OF CONSTITUTIONAL RIGHTS

Before we ask you any questions, you must understand your rights as set forth in the **Miranda** Court decision.

- ✓(1) You have the right to remain silent.
 - ✓(2) Anything you say can and will be used against you in a court of law.
 - ✓(3) You have the right to talk to a lawyer and have him present with you during questioning.
 - ✓(4) If you cannot afford to hire a lawyer, one will be appointed for you before any questioning if you wish.
 - ✓(5) You can decide at any time to exercise these rights and not answer any question or make any statement.
-

WAIVER OF CONSTITUTIONAL RIGHTS

I have been advised of my rights and I understand what my rights are. I am willing to make a statement and answer any questions. I understand and know what I am doing. No promise or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed

Witness: _____ Date: 7/17/01

Witness: _____ Date: _____

STATEMENT

I, _____, make the following true and voluntary statement. I have been read my rights as set forth in the Miranda Warning and fully understand them. No threats, promises, or rewards have been offered to me, I was born on March 25, 1975, and have a (an) 12 th grade education. I can read and write the English language.

I stole checkbooks from [Redacted] I wrote and cashed numerous checks to various stores such as [Redacted] etc. The reason for my doing this was for me and my boyfriend to be able to have a place

(CONTINUE ON BACK IF NECESSARY)
FMI (11/99)

Sheriff [SEAL]

JOHNNY M. SMITH, JR. SHERIFF, LEVY COUNTY
MEMBER, FLORIDA SHERIFF'S ASSOCIATION
P.O. DRAWER 1719
BRONSON, FLORIDA 32621-1719
PHONE: (352) 486-5111
FAX: (352) 486-5116

MIRANDA RIGHTS WARNING

NAME: _____
DATE: _____
TIME: _____
CASE #: _____
DEFENDANT/
SUSPECT NAME: _____
ADDRESS: _____
CITY/STATE: _____
TELEPHONE: _____

(You are suspected of) (You are under arrest, charged with) having committed the crime of _____.
Before we ask you any questions, you must know what your rights are.

1. You have the right to remain silent. You are not required to say anything or answer any questions. Anything you say can and will be used against you in court.

DO YOU UNDERSTAND THAT? _____

SIGNATURE: _____

2. You have the right to talk to a lawyer for advice before being questioned. You have the right to have him/her with you while being questioned.

If you cannot afford to hire a lawyer, one will be provided for you, without cost, by the Court.

DO YOU UNDERSTAND THAT? _____

SIGNATURE: _____

3. If you want to answer questions now without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering questions at any time you want to talk with a lawyer.

DO YOU UNDERSTAND THAT? _____

SIGNATURE: _____

WAIVER

I have read or had read to me that statement of my rights stated above. I understand what my rights are. I am willing to answer questions and make a statement. I do not want a lawyer at this time, although I understand that I can have one. No promises or threats have been made by anyone to cause me to make a statement. I have not been mistreated or harmed by anyone to cause me to make a statement.

- (a) What is your age? _____ DOB? __/__/__
SS#? __/__/__ POB? __ WGT? __
HGT? __ Eye? __ Hair? __
Defendant/Suspect

- (b) DL#: _____ State: _____
How far did you go in school? _____

- (c) Do you read, write, understand the English language? _____

- (d) Do you understand the statement written above? _____

74a

(e) Are you presently under the influence of alcohol, drugs or medications? _____

Under the inquiry as to this defendant's mental condition, age, education, experience, the nature or complexity of the case, and other factors, the following witnesses certify and attest to the signature of the Defendant above, before them, stating that no threats or coercion were made to Defendant to get him/her to execute the above, and that they have absolved the Defendant prior to his signature and believe his to be an intelligent, understanding and voluntary choice.

Witness

Witness

75a

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

Liberty County Sheriff
P. O. Box 67
Bristol, Florida 32321

Dear Sirs:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC:lw

76a

Enclosure

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

INTERROGATION * ADVICE OF RIGHTS

YOUR RIGHTS

PLACE _____

DATE _____

TIME _____

Before we ask you any questions, you must understand your 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 talk to a lawyer for advice before we ask you any questions and to have him/her present with you during questioning.

If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

78a

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: _____

Witness: _____

Witness: _____

Time: _____

MADISON COUNTY SHERIFF'S OFFICE

ADVICE OF RIGHTS

NAME _____ Place _____
D.O.B. _____ Date _____
SSN # _____ Time _____

YOUR RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you without cost, before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am

80a

doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. I have not previously advised a law enforcement officer that I would like to talk to a lawyer.

Signed _____

Witness: _____

Witness: _____

Time: _____

Case Number: _____

81a

[SEAL] CHARLES B. WELLS Sheriff
MANATEE COUNTY, FLORIDA

515 11th Street West
Bradenton, FL 34205-7727
Telephone (941) 747-3011
Fax Numbers
Criminal Investigation Division (941) 748-5682
Administrative/Executive (941) 749-5401

CASE NUMBER: _____

DATE: _____ **TIME:** _____

WARNING OF CONSTITUTIONAL RIGHTS

1. You have the right to remain silent.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to an attorney and have him/her present with you while you are being questioned.
4. If you cannot afford to hire an attorney, one may be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

QUESTION: Do you understand each of these rights I have explained to you?

ANSWER: _____

82a

QUESTION: Having these rights in mind, do you wish to talk to us now?

ANSWER: _____

SIGNATURE OF PERSON BEING QUESTIONED

OFFICER ADVISING RIGHTS

MCSO FM 87-065 (rev 7/97) An Accredited Agency

[SEAL]

SHERIFF - Marion County
WAIVER OF RIGHTS FORM

MCSO Case#: _____ Location: _____

Offense: _____ Date/Time: _____

YOUR RIGHTS

Before we ask you any questions you must fully understand your rights.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER OF RIGHTS

Do you understand each of these rights I have explained to you? (Yes) _____

84a

Having these rights in mind, do you wish to talk to us
now? (Yes) _____

Signature _____

Printed Name _____

Deputy _____ ID# _____

Witness _____

MARTIN COUNTY SHERIFF'S OFFICE
INTERROGATION: ADVICE OF RIGHTS

YOUR RIGHTS

Place _____

Date _____

Time _____

Before we ask you any questions, you must understand your rights.

1. You have the right to remain silent.
2. Anything you say can be used against you in court.
3. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.
4. if you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. if you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me

86a

and no pressure or coercion of any kind has been used
against me.

Signed _____

Witness _____

Witness _____

Time _____

87a

**OKALOOSA COUNTY
SHERIFF'S DEPARTMENT**

YOUR RIGHTS

Place: _____

Date: _____

Time: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me

88a

and no pressure or coercion of any kind has been used
against me.

Signed: _____

Witness: _____

Witness: _____

Time: _____

Okeechobee County Sheriff's Office

Miranda Warnings

Offense / Investigation

Agency Case Number

I. Questions that should be asked before administering Miranda warnings to anyone.

- A. What is your primary language? _____
- B. What is the highest grade level of school you completed? _____
- C. Are you under the influence of any prescription medication? _____
- D. Are you under the influence of an alcoholic beverage now? _____
- E. When was the last time you had any alcoholic beverages to drink? _____
- F. Are you under the influence of an illegal narcotic now? _____
- G. Are you presently receiving treatment by a Psychiatrist? _____
- H. Are you taking medication prescribed to you that would cause you to experience hallucinations or delusions? _____

II. Before you are asked any questions, the Constitution requires I inform you that:

90a

A. You have the right to remain silent. Do you understand that right?

Yes ___ No ___

B. Anything you say may be used as evidence against you in court. Do you understand?

Yes ___ No ___

C. You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning? Do you understand that right?

Yes ___ No ___

D. If you cannot afford to hire an attorney, the court will appoint one for you without cost. Do you understand?

Yes ___ No ___

E. If you decide to answer questions now, you have the right to stop answering at any time during questioning. Do you understand that right?

Yes ___ No ___

F. Knowing these rights, do you wish to talk with me / us at this time?

Yes ___ No ___

91a

III. **This statement is signed of my own free will without any threats or promises having been made to me.**

Signature Date/Time

Advising Officer Date/Time

Witness Date/Time

92a

**Orange County
Sheriff's Office**

[Fold-out exhibit, see next page]

Orange County Sheriff's Office

Waivers & Affidavits

Name of Person Signing: Zone: Case Number: Type of Incident: Deputy Name: Date:

MIRANDA WARNING: The Constitution requires that I inform you that: 1. You have the right to remain silent. 2. Anything you say will be used in court as evidence against you. 3. You are entitled to talk to an attorney now and have him present with you during questioning. 4. If you cannot afford an attorney, one will be appointed for you before any questioning if you cannot afford one. 5. If you desire to consult with an attorney before we begin this interview, you will need to stop the interview until you have consulted with an attorney. 6. If, at any time hereafter, you wish to stop the interview or if an attorney is present, you will be allowed to stop the interview at any time. 7. Has anyone at any time threatened, coerced or promised you anything in order to induce you to make a statement now? YES [] NO [] 8. Do you understand these rights? YES [] NO [] 9. Do you wish to talk to us at this time? YES [] NO []

CONSENT TO SEARCH: I, [] consent and agree to allow Orange County Sheriff's Deputies and employees to search my [] located at [] I further consent and agree to allow Orange County Sheriff's Deputies and Employees to search all [] and all buildings, structures and vehicles adjacent to [] and all containers located therein. My consent and agreement to search is freely given. I understand that I may refuse to allow Orange County Sheriff's Deputies and Employees to search my []

FORGED SIGNATURE AFFIDAVIT: [] being duly sworn according to law deposes and says that [] No. [] purporting to be signed by [] on the [] day of [] 20[] at [] Florida. I am the [] of [] and I have paid [] to [] for the [] of [] my higher [] and consent. Said affiant further states that any signature which appears on said check is not his/her signature nor did he/she authorize said signature to be made. The affiant further states that he/she never received any benefit from said check or any part thereof, and further states that he/she did not present this check for negotiation or payment.

MISSING PERSONS OR JUVENILE RUNAWAY AFFIDAVIT: I, [] certify that [] has been missing since [] I am the: [] Parent [] Family Member [] Legal Guardian [] Physician and/or other authoritative person of [] The above listed person is missing due to [] runaway [] unknown circumstances [] Physical/Mental disability [] in the company of another person under circumstances indicating physical danger [] Involuntary disappearance. I give my permission to release dental records or any other medical records on the above missing person. I further agree to notify the Orange County Sheriff's Office immediately upon receiving any additional information concerning the above.

FALSE INFORMATION AFFIDAVIT: I, [] certify that the statements made to the above listed Orange County Sheriff's Office Law Enforcement Official concerning the above listed incident/offense were voluntarily made. I further certify that I am aware of the following statute and penalties as provided by Florida Statutes 81.002 and 775.083 to wit: Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable by a definite term of imprisonment not exceeding one year or a fine not exceeding []

VEHICLE LOSS OR DAMAGE RELEASE AFFIDAVIT: I, [] give my permission in lieu of impounding by the Orange County Sheriff's Office for the Year: [] Make: [] Model: [] Body Style: [] Color (Type/Texture): [] VIN: [] Tag: [] State: [] that I have been operating to () remain () that no damage was made to the vehicle after the Deputy listed above explained the policy of damage or loss. I am affixing my signature to this release and hold harmless the Sheriff of Orange County and his employees from any liability for damage or loss which may occur as a result of this release.

DECLARATION OF INTENT: I, [] request not to prosecute [] in regard to my complaint [] I do not desire further investigation to be conducted in this matter. I will not willingly testify, and I will hold free and absolve from any further duty in regard to this matter the Orange County Sheriff and all its employees.

Sworn to and subscribed before me on [] day of [] 20[] at [] I swear and affirm that the contents are correct and true. Notary Public [] Law Enforcement []

93a

04/05/02 FRI 17:19 FAX 561 688 3161 PBSO
CENTRAL RECORDS 002

GIVE THIS WARNING TO ANY SUSPECT
DETAINED PRIOR TO ANY QUESTIONING,
IDENTIFY YOURSELF AND STATE:

“I am required to warn you before you make any
statement that you have the following constitutional
rights:

- (1) You have the right to remain silent and not
answer any questions.
- (2) Any statement you make must be freely and
voluntarily given.
- (3) You have the right to the presence and
representation of a lawyer of your choice
before you make any statement and during
any questioning.
- (4) If you cannot afford a lawyer, you are
entitled to the presence and representation
of a Court appointed lawyer before you make
any statement and during any questioning.
- (5) If at any time during the interview you do
not wish to answer any questions, you are
privileged to remain silent.
- (6) I can make no threats or promises to induce
you to make a statement. This must be of
your own free will.

94a

(7) Any statement can be and will be used
against you in a court of law.”

Signed: _____

Date _____ Time _____

PBSO []

P-1311

PASCO COUNTY SHERIFF'S OFFICE

MULTIPURPOSE FORM

DATE: _____ CASE #: _____

WAIVER OF SEARCH: I give the Pasco County Sheriff's Office consent to search my _____ located at _____, and any containers, compartments, or contents within. I give this consent without any force or threats of any kind. I understand that it is my constitutional right to refuse, and I waive such rights. I understand that any thing or article found in the search may be used against me.

PRINTED NAME: _____

SIGNATURE: _____

WITNESS: _____

WITNESS: _____

AFFIDAVIT OF STOLEN VEHICLE: My auto (year) _____ (make) _____ (model) _____ VIN _____ was stolen on _____. I agree to assist in prosecuting any person arrested for this crime, including testifying in court. I will notify the Pasco County Sheriff's Office if my vehicle is located and understand the consequences that may result if I fail to do so.

PRINTED NAME: _____

SIGNATURE: _____

WITNESS: _____

WITNESS: _____

ON SITE VEHICLE RELEASE: I request that my (year) _____ (make) _____ (model) _____ (tag) _____ (state) _____ be left at (location) _____ or with

(name) _____ (DL#) _____. I am aware that the Pasco County Sheriff's Office will not be responsible for any cost, loss, or damage to my vehicle as a result of my decision. I understand that the sheriff's office may impound and tow my vehicle for security purposes, if necessary.

PRINTED NAME: _____

SIGNATURE: _____

WITNESS: _____

WITNESS: _____

WAIVER OF PROSECUTION: My complaint has been resolved to my satisfaction and I understand that the Pasco County Sheriff's Office will not make an arrest or refer criminal charges on _____ in this matter.

PRINTED NAME: _____

SIGNATURE: _____

WITNESS: _____

WITNESS: _____

STATEMENT OF MIRANDA 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 talk to a lawyer and have him present with you while you are being questioned. If you cannot afford a lawyer, one will be appointed to represent you before any questioning, if you wish. You can decide at any time to exercise these rights, and not answer any questions or make any statements.

PRINTED NAME: _____

SIGNATURE: _____

WITNESS: _____

WITNESS: _____

WAIVER OF RIGHTS: I have read the above statement of my rights and I understand each of these rights. Having these rights in mind, I freely and voluntarily waive them and willingly make a statement to _____.

PRINTED NAME: _____

SIGNATURE: _____

WITNESS: _____

WITNESS: _____

WAIVER OF ATTORNEY: I understand that I do not have to speak with anyone regarding any criminal activity without an attorney present, and if I do, anything I say can and will be used against me in a court of law. No threats or promises were made in an attempt to have me sign this document. Although I have ___ (initial) / have not ___ (initial) appointed or retained counsel, I now wish to speak without an attorney present.

PRINTED NAME: _____

WITNESS: _____

RIGHTS ADVISEMENT FORM

DATE _____ TIME _____

INVESTIGATOR _____

CLASSIFICATION/OFFENSE NUMBER _____

I am _____ of the Pinellas County Sheriff's Department. State your name, age, and address.

A. _____

Q. Do you understand that you have the right to remain silent?

A. _____

Q. Do you understand that anything you say can and will be used against you in a court of law?

A. _____

Q. Do you understand that you have the right to talk to a lawyer and have him present with you while you are being questioned?

A. _____

Q. Do you understand that if you cannot afford to hire a lawyer, one will be appointed to represent you, before questioning, if you wish?

A. _____

99a

Q. Do you understand that you can decide at any time to exercise these rights and not answer any questions or make any statements?

A. _____

Q. Do you understand each of these rights I have just explained to you?

A. _____

Q. Having these rights in mind, do you wish to talk to us now?

A. _____

WITNESS

SIGNATURE

WITNESS

100a

Sheriff [SEAL] TAYLOR DOUGLAS
Sheriff Putnam County

RIGHTS WAIVER FORM

Date: _____ Time: _____ Place: _____

My name is _____. I am _____
years old.

My address is _____

I have completed _____ years of schooling.

I know that _____ is a Deputy
Sheriff with the Putnam County Sheriff's Office.

This Deputy Sheriff told me that:

Initial.

- ___ 1. have the right to remain silent.
- ___ 2. Anything I say can be used against me in a
court of law.
- ___ 3. I have the right to talk to a lawyer and have
him present with me while I am being
questioned.
- ___ 4. If I cannot afford to hire a lawyer, one will
be appointed to represent me before any
questioning, if I wish.

101a

___ 5. I can decide at any time to exercise these rights and not answer any questions or make any statements.

I understand my rights. Having these in mind, I am willing to talk to this deputy sheriff. I have not been threatened. I have not been promised anything.

Deputy Sheriff

Signature

Form D-8850

102a

Santa Rosa County Sheriff's Office
Rights Form

Name: _____ Place: _____

Date of Birth: _____ Date and Time: _____

Speak English? Yes ___ No ___

Read English? Yes ___ No ___

Highest Grade Completed ___

**BEFORE WE ASK YOU ANY QUESTIONS, YOU
MUST UNDERSTAND YOUR RIGHTS:**

1. You have the right to remain silent.
2. Anything you say can be used as evidence against you in court.
3. You have the right to have a lawyer present while be questioned.
4. If you cannot afford to hire a lawyer, a lawyer will be appointed for you, without costs, before questioning.
5. If you wish to answer questions now without a lawyer present, you have the right to stop answering questions at any time.

WAIVER:

I have read the statement of my rights shown above, an I understand what my rights are. I am willing to answer questions and make a statement. I do not want a lawyer at this time. I

103a

understand and know what I am doing. No promises or threats have been made to me and no pressure of any kind has been used against me.

Signature: _____

Date and Time: _____

Witness: _____ Witness: _____

SARASOTA COUNTY SHERIFF'S OFFICE

Case Number _____ Date _____
Zone _____ Grid _____

I, _____ the undersigned, do hereby:

YOUR RIGHTS

You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer, one will be appointed for you before questioning if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Signed this _____ day of _____, 19____, at _____ o'clock, _____. m.

Witness/Deputy

Signature

WAIVER OF PROSECUTION

Request the Sarasota Sheriff's Office not to prosecute _____ regarding my complaint. I am satisfied with the manner in which the investigation was conducted and release the Sheriff's Office of any responsibility regarding this complaint. I understand that I may secure an arrest warrant at a later date, if so desired.

105a

Signed this _____ day of _____, 19____, at _____
o'clock, _____. m.

Witness/Deputy

Signature

RELEASE FROM LIABILITY

Give my permission in lieu of impounding by the Sarasota County Sheriff's Office for the _____
(Year) _____ (Make) _____ (Model)
_____ (License) _____ (State) _____
(Year) that I have been operating to remain at/release to _____. This decision was made by me after the deputy listed below explained the possibility of damage or loss. Being aware of this by affixing my signature to the form, I release the Sheriff's Office of any and all responsibility for manage or loss which may occur to the above described vehicle.

Signed this _____ day of _____, 19____, at _____
o'clock, _____. m.

Witness/Deputy

Signature

**CONSENT TO SEARCH/WAIVER OF
SEARCH WARRANT**

Give my full consent that the premises/vehicle described and/or located at _____ (Vehicle Year)
_____ (Make) _____ (Model) _____ (License)
_____ (State) _____ (Location) may be searched by any Sarasota County Sheriff's Office Deputy. This

106a

consent extends to the main building and any enclosures found on the property. I further agree that anything or any article that may be found in the search of the premises/vehicle may be used at trial in any manner of which I may stand accused. I fully understand my Constitutional rights by this consent. I give this consent freely and voluntarily, without compulsion or threat of any kind.

Signed this _____ day of _____, 19____, at _____ o'clock, _____. m.

Witness/Deputy

Signature

2-94

J-77

98-17

107a

WILLIAM F. BALKWILL, SHERIFF
SARASOTA COUNTY, FLORIDA

BONNIE RAE BRINSON, CRM
Records Custodian

P.O. BOX 4115 [SEAL]
SARASOTA, FL 34230
PHONE (941) 861-4149 / 861-5800
FAX (941) 861-4039
bbrinson@co.sarasota.fl.us
www.sarasotasheriff.org

108a

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

Seminole County Sheriff
1345 E. 28 Street
Sanford, Florida 38776

Dear Sirs :

Pursuant to Florida Statutes §119, public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC: lw

109a

Enclosure

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

MIRANDA WARNING

The constitution requires I inform you that:

- 1) You have the right to remain silent.
- 2) Anything you say will be used in court as evidence against you.
- 3) You are entitled to talk to an attorney now and have him present now or at any time during questioning.
- 4) If you cannot afford an attorney, one will be appointed for you without cost.
- 5) Do you desire to consult with an attorney first or to have one during this interview?
- 6) If, at any time hereafter, you wish to remain silent or have an attorney present, all questions will be stopped.
- 7) Has anyone, at any time threatened, coerced or promised you anything in order to induce you to make a statement now?
- 8) Do you understand these rights?
- 9) Do you wish to talk to us at this time?

HE LEIDO LO EXPUESTO ARRIBA ACERCA DE MIS DERECHOS, Y LO COMPRENDO PERFECTAMENTE.

DESEO CONTESTAR CUALQUIER PREGUNTA QUE SE ME HAGA.

NO DESEO LA PRESENCIA DE NINGUN ABOGADO EN ESTE MOMENTO.

PARA CONSTANCIA DE QUE NO SE ME HA AMENAZADO, NI SE ME HA HECHO NINGUN

111a

OFRECIMIENTO, VOLUNTARIAMENTE FIRMO LA
PRESENTE DECLARACION.

Testigo

Firma del sujeto

Testigo

Fecha y hora

113a

4. Si Ud. no puede pagar los servicios de un abogado, y sin embargo lo desea, podemos facilitar uno sin costo alguno por parte suya.

FCN 100

G.O. 1.05
G.O. 35.02

**ST. LUCIE COUNTY SHERIFF'S OFFICE
FT. PIERCE, FLORIDA**

Case # _____ INCID. DATE _____
INCID. TIME _____

A. MIRANDA WARNING

I, _____, do hereby understand that (1), I have the right to remain silent. (2), Anything I say can and will be used against me in a court of law. (3), I have the right to talk to a lawyer and have him present with me while I am being questioned. (4), If I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning if I wish. (5), I can decide at anytime to exercise these rights and not answer any questions or make any statements.

Signature of person advising Miranda Warning

Date Time

Do you understand each of these rights explained to you? Yes ___ No ___ Signature _____

Having these rights in mind, do you wish to talk to us now? Yes ___ No ___ Signature _____

**B. CONSENT TO SEARCH
SEARCH WARRANT WAIVER**

I, _____, understanding my rights under Miranda, do hereby give my consent for the Sheriff of St. Lucie County, his deputies, or any person working at his direction to search the _____, currently under my control, specifically; _____ which is located at _____.

I understand that by giving my consent after Miranda for the above described _____ to be searched I am giving up any right to privacy for these areas. I also fully understand that if items are located in the area my consent is given for, then these items can be used against me in a court of law. I am giving my consent freely and voluntarily, without compulsion or threat of any kind.

Signed _____ Date _____

Authority _____

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY,

THIS _____ DAY OF _____ 20 _____

Law Enforcement Officer/Notary Public

C. WAIVER OF PROSECUTION

I, _____, do hereby request the ST. LUCIE COUNTY SHERIFF'S OFFICE not to prosecute _____ regarding my complaint of _____. I am satisfied with the manner in which the investigation was conducted and release the Sheriff's Office and/or State Attorney's Office of any responsibility regarding this complaint.

I request that any further investigation not be pursued.

Signature _____ Date _____ Time _____

**D. VEHICLE/VESSEL LOSS AND
DAMAGE RELEASE**

I, _____, do hereby give my permission, (in lieu of impoundment/for the unlocking of) by the ST. LUCIE COUNTY SHERIFF'S OFFICE, for the:

YEAR _____ MAKE _____ MODEL _____
VIN _____ LICENSE

_____ STATE _____ that I have been operating, (to remain at/be released to/or unlocked by)

_____. This decision was made by me after the deputy explained the possibility of damage or loss. Being aware of this, affixing my signature to this form, I release the Sheriff's Office of any and all responsibility for damage or loss which may occur to the above described vehicle/vessel.

Signature _____ Date _____ Time _____

SUMTER COUNTY SHERIFF'S OFFICE

CASE # _____ DATE: _____

() WAIVER OF SEARCH

I hereby give my full consent that my _____ located at _____ may be searched by Sheriff of Sumter County, Florida. I give this consent freely and voluntarily, without compulsion or threats of any kind. I fully understand my constitutional rights in regard to the search and it is my intention to fully and completely waive such rights. I further agree that anything or article that may be found in the search of my _____ may be used in trial in any matter of which I stand accused.

SIGNATURE

WITNESS: _____

WITNESS: _____

() AFFIDAVIT OF STOLEN VEHICLE

I, the undersigned do hereby on report the theft of my of (year) _____ , (make) _____ (model) _____ and (VIN) _____, on the _____ day of _____ 20 __, at or about _____ AM/PM, and if and you succeed in recovering the said vehicle and apprehending the person guilty of its theft, I do hereby bind myself to prosecute the said guilty person and to appear and testify against him/her in whatever court he may be tried. I further agree to notify the Sumter County Sheriff's Office immediately upon the recovery

118a

of said vehicle by any other law enforcement agency or otherwise, and I personally assume all responsibility for any consequences which may result from my failure to do so. Signed this _____ day of _____ 20 ____.

SIGNATURE

ADDRESS

WITNESS: _____

WITNESS: _____

() ON SITE VEHICLE RELEASE

Instead of impoundment by the Sumter County Sheriff's Office, I, _____, do hereby give permission to leave/relinquish custody of my (year) _____ (make) _____ (model) _____ (tag) _____ (state) _____ that I have been operating, at/or with (location/person) _____ D/L # _____. I am aware that the Sumter County Sheriff's Office will not be responsible for any cost, loss, or damage to this vehicle as a result of my decision.

SIGNATURE

WITNESS: _____

WITNESS: _____

() WAIVER OF PROSECUTION

I, _____, do hereby authorize the Sumter County Sheriff's Office not to prosecute _____ regarding my complaint. I am satisfied with the manner in which the investigation was conducted. Also, I hereby release the Sheriff's Office of any responsibility regarding this complaint and I request that any further investigation not be pursued.

SIGNATURE

WITNESS: _____

WITNESS: _____

() STATEMENT OF MIRANDA 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 talk to a lawyer and have one present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statement.

() WAIVER OF RIGHTS

I have read the above statement of my rights and I understand each of those rights, and having these rights in mind. I waive them and willingly make a statement.

120a

SIGNATURE

(TIME) _____

WITNESS: _____

WITNESS: _____

121a

SUWANNEE COUNTY SHERIFF'S OFFICE
ALTON K. (AL) WILLIAMS, JR., SHERIFF
200 S. Ohio / MLK Avenue (Suwannee County
Courthouse)
Live Oak, FL 32060
(904) 362-2222

YOUR CONSTITUTIONAL RIGHTS

BEFORE YOU MAKE ANY STATEMENTS YOU
MUST FULLY UNDERSTAND YOUR RIGHTS.

1. You have the right to remain silent.
2. Anything you say or do can and will be used as evidence against you in a court of law.
3. You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning.
4. If you cannot afford to hire an attorney, the court will appoint one for you without cost, and you have the right to have this attorney present at any time during questioning.
5. If you decide to answer questions now, you have the right to stop answering at any time during questioning.

I HAVE READ, OR HAD READ TO ME, THE ABOVE
STATEMENTS AND FULLY UNDERSTAND WHAT
MY RIGHTS ARE.

(SIGNED)

(DATE)

123a

UNION COUNTY SHERIFF'S DEPARTMENT
WAIVER OF RIGHTS

PRINT DEFENDANT'S NAME

ADDRESS: _____ PLACE: _____

CITY: _____ DATE: _____

PHONE: _____ TIME: _____

_____, you are under arrest charged with _____, before we ask you any questions, you must understand what your rights are. You have the right to remain silent. You are not required to say anything or answer any questions. Any thing that you say can and will be used against you in Court.

DO YOU UNDERSTAND THAT? _____

SIGNATURE: _____

You have the right to talk to a lawyer for advice before being questioned, and you have the right to have him with you while being questioned. If you cannot afford to hire a [...]

124a

VOLUSIA COUNTY SHERIFF'S OFFICE

Advice of Rights
Adult [SEAL]

	1
--	---

INCIDENT NUMBER

Page 2 of Pages

Incident Type 3	Name of Person Signing 4
Date / Time 3	Deputy / ID # 6

YOUR RIGHTS

Before we ask you any questions, you must understand your rights:

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

Do you desire to consult with a lawyer first or to have one during this interview?

If, at any time hereafter, you wish to remain silent or have a lawyer present, all questioning will be stopped.

Has anyone, at any time, threatened, coerced or promised you anything in order to persuade you to make a statement now?

Do you understand these rights?

Do you wish to talk to us at this time?

WAIVER OF RIGHTS

I HAVE READ AND UNDERSTAND THIS STATEMENT OF MY RIGHTS. I AM WILLING TO MAKE A STATEMENT AND ANSWER QUESTIONS AT THIS TIME. I DO NOT WISH TO TALK TO A LAWYER. I AM GIVING THIS STATEMENT FREELY AND VOLUNTARILY WITH MY RIGHTS IN MIND. THERE HAVE BEEN NO THREATS, PROMISES, PRESSURE OR COERCION OF ANY KIND TO PERSUADE ME TO GIVE THIS STATEMENT.

7
Signed

8
Witness

Witness

126a

WALTON COUNTY SHERIFF'S OFFICE

YOUR RIGHTS

Place: _____

Date: _____

Time: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be held against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

127a

Signed _____

Witness: _____

Witness: _____

Time: _____

2000 5/00 BW

128a

DAVID F. HARVEY
SHERIFF
[SEAL]

“B”

YOUR CONSTITUTIONAL RIGHTS

NAME: _____

CASE NO.: _____

DATE: _____

TIME: _____

PLACE: _____

**WARNING OF YOUR
CONSTITUTIONAL RIGHTS**

Before we ask you any questions, you must understand your Constitutional Rights as set forth in the MIRANDA Court decision:

1. You have the right to remain silent
2. Anything you say can and will be used against you in a Court of Law.
3. You have the right to a lawyer for advice before we ask you any questions, and to have a lawyer present with you during questioning.
4. If you cannot afford to hire a lawyer, one will be appointed for you before any questioning, if you wish.
5. If you decide to answer questions at this time without a lawyer present, you will still have the

129a

right to stop answering questions at any time until you talk to a lawyer.

Have you previously requested any law enforcement officer to allow you to speak to an attorney? _____

WAIVER OF CONSTITUTIONAL RIGHTS

I have read, or been read, the above statement of my Rights and I understand what my Rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promise or threats have been made to me, and no pressure or coercion of any kind have been used against me.

SIGNED: _____ WITNESS: _____

DATE: _____ WITNESS: _____

February 2000
[SEAL]
WAKULLA COUNTY
15 Oak Street
Crawfordville, FL 32327
(850) 926-0800
www.wcso.org

130a

Washington County Sheriff's Department
P.O. Box 626
Chipley, Florida 32428

STATEMENT OF MIRANDA RIGHTS

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER OF RIGHTS

I Have read the above statement of my rights and I understand each of these rights, and having these rights in mind, I waive them and willingly make a statement.

Witnessed by :

131a

Officer's Name

Date: _____ 19 _____

Time Form Completed: _____

**BARTOW POLICE DEPARTMENT
CONSENT AND RELEASE**

Page ____ of ____ Report No.: ____
Date: _____

I, _____, the undersigned

**CONSENT TO BE INTERVIEWED
CONCERNING AN OFFENSE OF _____**

[int.] You have the right to remain silent. If you give up the right to remain silent, anything you say can be used against you in court. 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.

I, _____, have had these rights read to me; I understand them and I am willing to talk to you at this time.

**CONSENT TO SEARCH/WAIVER OF SEARCH
WARRANT**

I, [int.] hereby voluntarily give my full consent that the premises and/or building(s) or enclosure(s) located therein, and/or vehicle(s) located at _____ may be searched by an authorized law enforcement officer. I give this consent freely and voluntarily, without compulsion, threat, or promise of any kind. I understand my constitutional right to refuse a search of said premises and/or vehicle(s)

without a search warrant and it is my intention to fully and completely waive such right by this consent. I further understand that anything or any article that may be found in this search of the premises and/or vehicle(s) will be used at trial in any matter of which I may be accused.

MISSING PERSON/JUVENILE RUNAWAY AFFIDAVIT:

I, [int.] certify that _____, DOB _____ has been missing since _____. I am the parent, legal guardian family member physician/and or authoritative source of the above described person; and he/she is missing due to:

- unknown circumstances in the company of another person under circumstances indicating physical danger, involuntary disappearance; physical or mental disability; runaway.

FALSE OFFENSE/STOLEN VEHICLE REPORT

I, [int.] certify that the statements made to _____ concerning the offense of _____ were voluntarily made. I further certify that I am aware of the following statute and penalties as provided by 837.05, 775.082 and 775.083, to wit: Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable by a definite term of imprisonment not exceeding one year and/or a fine not exceeding \$1,000.00.

I further agree to notify the Bartow Police Department immediately upon recovery of my property by myself or any other law enforcement agency or any other person.

RELEASE OF RESPONSIBILITY

I, [int.] authorize officer(s) _____
City of Bartow Sheriff's Department, to leave my
vehicle to wit: _____ with/parked
Year Make Model Tag No.

at _____
I expressly release the above named officer(s) and the
City of Bartow from any liability whatsoever due to
damage, loss or theft of the above described vehicle.

COMPLAINT WITHDRAWAL AFFIDAVIT

I, [int.] certify that I am satisfied with the
investigation conducted by the Bartow Police
Department concerning the offense of _____ and
I am hereby withdrawing my complaint. I understand
a suspect in this case is _____ and I may request
an arrest warrant at a later date, if I so desire.

Signed this _____ day of _____, 19 _____, at _____
o'clock _____m.

Witnesses

Signature/Authority

Officer

135a

Bradenton Police Department
Waiver of Rights

1. You have the right remain silent.
 2. Anything you say can and will be used against you in a Court of law.
 3. You have the right to talk to a lawyer and have him Present with you while you are being questioned.
 4. If you cannot afford to hire a lawyer, one will be Appointed to represent you before any questioning, If you wish.
-
5. You can decide at any time to exercise these rights And not answer any questions or make any statements.
 6. Do you understand each of these rights I have explained To you?
 7. Having these rights in mind, do you wish to talk to us Now.

SIGNATURE OF PERSON QUESTIONED

WITNESS

136a

TOWN OF DAVIE
POLICE DEPARTMENT
1230 South Nob Hill Road
Davie, FL 33324
(954) 693-8200

YOUR RIGHTS

SUBJECT: _____ DATE/TIME: _____
INTERR.
OFFICER: _____ LOCATION: _____

_____, before I ask you any questions, I want to advise you of your rights under the law. Do you understand that I am a police officer? _____

1. You have the right to remain silent and refuse to answer questions. Do you understand? _____
2. Anything you say can be used against you in a court of law, or in any other judicial proceedings. Do you understand? _____
3. You have the right to consult with a lawyer before answering any questions, and to have him present while you are being questioned. Do you understand? _____
4. If you cannot afford a lawyer, a lawyer will be appointed for you, free of charge, if you so desire. We will not ask any questions until he has been appointed. Do you understand? _____
5. You can waive these rights, and answer questions now, without a lawyer present. However, you do

have the right to stop answering at any time, or until you are able to consult a lawyer. Do you understand? _____

6. Knowing and understanding these rights, are you willing to answer questions without a lawyer being present? _____
7. Should you talk to me, anything you might answer to my questions will be introduced in evidence in a court of law against you. Do you understand? _____

Signed: _____

I, _____, have read this statement of my rights, or have had it read to me, and I understand what my rights are. I am willing to make a statement and answer questions. I do not wish an attorney/lawyer at this time. No threats or promises have been made to me. No pressure of any kind has been used against me, nor have I been tricked or fooled into giving this statement. I understand and know what I am doing. This statement will be used in a court of law against me.

SIGNED: _____

WITNESS: _____ DATE: _____

WITNESS: _____ DATE: _____

COCONUT CREEK PUBLIC SAFETY DEPT.

**GIVE THIS WARNING TO ANY SUSPECT
DETAINED PRIOR TO ANY QUESTIONING.
IDENTIFY YOURSELF AND STATE:**

“I am required to warn you before you make any statement that you have the following constitutional rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a Court appointed lawyer before you make any statement and during any questioning.
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will.
- (7) Any statement can be and will be used against you in a court of law”

139a

Date _____ Time _____

Witnesses _____

FORT MYERS POLICE DEPARTMENT

DETECTIVE BUREAU

**SUBJECT DESCRIPTION SHEET
AND MIRANDA RIGHTS**

Before we ask you any questions, you must understand your rights. You have the right to remain silent; anything you say can be used against you in court. You have the right to talk to a lawyer for advice during questioning. You have this right to the advice and presence of a lawyer, even if you cannot afford to hire one, one will be appointed for you, if you wish, before any questioning. If you wish to answer questions now without a lawyer present, you still have the right to stop answering at any time. We wish to talk to you about:

_____.

WAIVER OF MIRANDA RIGHTS

I have *read/had* read to me the statement of my rights shown above. I am willing to answer questions and make a statement. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure of any kind has been used against me.

SIGNATURE: _____ C.R.#: _____

WITNESS: _____

Pre-Arrest: _____

DATE/TIME: _____

Post-Arrest: _____

1. NAME: _____ 2. NICKNAME: _____

141a

3. *SEX*: Male/Female
4. *RACE*: Black/White/Oriental 5: *DOB/AGE*: ____
6. *ADDRESS*: _____ 7. *CITY/STATE*: _____
8. *HOME PHONE*: _____
9. *WORK PHONE*: _____
10. *HEIGHT*: _____ 11. *WEIGHT*: _____
12. *COLOR HAIR*: _____ 13. *EYE COLOR*: _____
14. *GLASSES/CONTACTS*: YES or NO
15. *BUILD*: Slender Medium Muscular Heavy
16. *COMPLEXION*: Fair Medium Tan/Dark
Ruddy Freckled
17. *SPEECH*: Normal Impediment Accent ____
Other: _____
18. *EMOTIONAL STATE*: Calm/Angry/Excited/
Nervous/Stupor/Polite/
Irrational/Other
19. *SOBRIETY*: Sober Had been drinking
Intoxicated

INTERVIEW LOCATION: _____

STATEMENT: TAPED/ORAL

Persons present during interview:

- 1) _____
- 2) _____
- 3) _____

142a

CITY OF FORT PIERCE
POLICE DEPARTMENT

MIRANDA WARNING

YOUR RIGHTS

Place: _____

Date: _____

Time: _____

**BEFORE WE ASK YOU ANY QUESTIONS, YOU
MUST UNDERSTAND YOUR RIGHTS.**

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to an attorney for advice
before we ask you any questions, and to have him with
you during questioning.

If you cannot afford an attorney, one will be appointed
for you before any questioning if you wish.

If you decide to answer questions now, without an
attorney present, you will still have the right to stop
answering at any time until you talk to an attorney.

WAIVER OF RIGHTS

**I have read this statement of my rights and I
understand what my rights are. I am willing to
make a statement and answer questions. I do not**

143a

want an attorney at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed _____

Witnesses by:

Date: _____ Time: _____

144a

**GAINESVILLE POLICE DEPARTMENT
RIGHTS WAIVER FORM**

SUBJECT'S NAME (PRINT): _____

DATE OF INTERVIEW: _____

TIME OF INTERVIEW: _____

CASE REPORT NUMBER: _____

SUBJECT'S ADDRESS: _____

CITY: _____

STATE: _____ ZIP CODE: _____

SUBJECT'S TELEPHONE NUMBER: _____

LOCATION OF INTERVIEW: _____

YOU ARE BEING QUESTIONED REGARDING A CRIMINAL INVESTIGATION. BEFORE YOU ARE ASKED ANY QUESTIONS REFERENCE THE INVESTIGATION, YOU MUST UNDERSTAND WHAT YOUR RIGHTS ARE. YOU HAVE THE RIGHT TO REMAIN SILENT. YOU ARE NOT REQUIRED TO SAY ANYTHING OR ANSWER ANY QUESTIONS. ANYTHING THAT YOU SAY, CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

DO YOU UNDERSTAND THAT? _____

SIGNATURE: _____

YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE BEING QUESTIONED, AND YOU HAVE THE RIGHT TO HAVE HIM/HER WITH YOU WHILE BEING QUESTIONED. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE PROVIDED FOR YOU.

DO YOU UNDERSTAND THAT? _____
SIGNATURE: _____

IF YOU WANT TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME YOU WANT TO TALK TO A LAWYER.

DO YOU UNDERSTAND THAT? _____
SIGNATURE: _____

WAIVER

I HAVE READ OR HAD READ TO ME THE STATEMENTS OF MY RIGHTS AS STATED ABOVE. I UNDERSTAND WHAT MY RIGHTS ARE. I AM WILLING TO ANSWER QUESTIONS AND MAKE A STATEMENT. I DO NOT WANT A LAWYER AT THIS TIME, ALTHOUGH I UNDERSTAND THAT I CAN HAVE ONE. NO PROMISES OR THREATS HAVE BEEN MADE BY ANYONE TO CAUSE ME TO MAKE A STATEMENT. I HAVE NOT BEEN MISTREATED OR HARMED BY ANYONE TO CAUSE ME TO MAKE A STATEMENT.

1. WHAT IS YOUR AGE? _____ DOB: _____
POB: _____

146a

2. HOW FAR DID YOU GO IN SCHOOL? _____
3. DO YOU UNDERSTAND THE STATEMENTS WRITTEN ABOVE? _____
4. ARE YOU PRESENTLY UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR MEDICATION? _____

DATE SUBJECT'S SIGNATURE

THE FOLLOWING WITNESSES CERTIFY AND ATTEST TO THE SIGNATURE OF THE SUBJECT ABOVE, BEFORE THEM, STATING THAT NO THREATS OR COERCION WERE MADE TO THE SUBJECT TO GET HIM / HER TO EXECUTE THE ABOVE.

OFFICER ADMINISTERING RIGHTS
(SIGNATURE) / DATE

WITNESS (SIGNATURE) / DATE

GPO Form 66 (Revised 9/00)

147a

HIALEAH POLICE DEPARTMENT

YOUR RIGHTS

NAME: _____ CASE NO.: _____

DATE: _____ TIME: _____

PLACE: _____

Before we ask you any questions, you must understand your rights.

- You have the right to remain silent.
- Anything you say can and will be used against you in court.
- You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.
- If you cannot afford a lawyer, one will be appointed for you before any questioning if you so desire.
- If you decide to answer questions now without a lawyer present, you still have the right to stop answering at any time, or until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a

148a

lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: _____

Officer: _____

Date: _____ Time: _____

149a

Respect
Integrity
Fairness
KEY WEST POLICE
Gordon "Buz" Dillon
Chief of Police

Ronald J. Cacciatore
Worldwide Investigations, Inc.
750 S.W. Third Ave., Suite 201
Fort Lauderdale, FL 33316

April 5, 2002

Dear Mr. Cacciatore:

Per your request, I have enclosed a copy of the Miranda Warning form that is widely used by our officers. If I can be of any further to you in this or other matters, please contact me at your convenience.

Sincerely,

/s/

Sgt. Alan Newby, Commander
Bureau of Professional Standards

CC: File

[seal]

P.O. Box 1409, Key West, FL 33041-1409
(305) 294-2511 Internet: www.keywestcity.com

150a

INTERROGATION; ADVICE OF RIGHTS

YOUR RIGHTS

Place _____

Date _____

Time _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me

151a

and no pressure or coercion of any kind has been used
against me.

Signed _____

Witness: _____

Witness: _____

Time: _____

152a

LAUDERHILL POLICE DEPARTMENT

Waivers and Affidavits

Name of person Signing: _____
Zone: _____ Case Number: _____
Type of Incident: _____
Name: _____ Date: _____

MIRANDA WARNING

The constitution requires that I inform you that:

1. You have the right to remain silent.
2. Anything you say will be used in court as evidence against you.
3. You are entitled to talk to an attorney now and have him present now or at any time during questioning.
4. If you cannot afford an attorney, one will be appointed for you without cost.
5. Do you desire to consult with an attorney first or to have one during this interview?
Yes - **No** -
6. If, at any time hereafter, you wish to remain silent or have an attorney present, all questioning will be stopped.
7. Has anyone, at any time, threatened, coerced or promised you anything in order to induce you to make a statement now? **Yes** - **No** -
8. Do you understand these rights?
Yes - **No** -
9. Do you wish to talk to us at this time?
Yes - **No** -

CONSENT TO SEARCH

I, [Initial:] consent and agree to allow City of Lauderhill Police Department and employees to search my _____, located at _____. I further consent and agree to allow City of Lauderhill Police Department and employees to search all areas located in my _____, and all buildings, structures and vehicles adjacent to my _____, including all containers located therein. My consent and agreement to search is freely and voluntarily given. I understand that I may refuse to allow City of Lauderhill Police Department and employees to search my.

FORGED SIGNATURE AFFIDAVIT

_____, being duly sworn according to law deposes and says that _____ No. _____ purported to be signed by _____, drawn on the _____ dated _____, payable to the order of _____, the sum of \$ _____ was not _____, by him/her or with his/her knowledge and consent. Said affiant further states that any signature which appears on said check as _____ is not his/her signature nor did he/she authorize said signature to be made. The affiant further states that he/she never received any benefit from said check or any part thereof, and further states that he/she did not present this check for negotiation or payment.

Sworn to and subscribed before me, the undersigned authority, This ____ Day of _____, 19__

Notary Public - Law Enforcement Officer -

154a

I swear and affirm the above statement are correct and true.

Signature

157a

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

Melbourne Police Department
650 Apollo Boulevard
Melbourne, Florida 32935

Dear Sirs:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC: lw
Enclosure
4-8-02

158a

[handwritten] Please see attached, per your request.

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

159a

**MIRANDA RIGHTS
WAIVER FORM**

NAME OF PERSON INTERVIEWED _____

DATE OF BIRTH __/__/__ RACE ___ SEX ___

HOME ADDRESS _____

EXTENT OF EDUCATION _____

PLACE OF INTERVIEW _____

DATE & TIME INTERVIEW BEGAN _____

ENDED _____

PERSONS PRESENT DURING INTERVIEW _____

THE FOLLOWING MUST BE READ IN FULL BY THE INTERVIEWING OFFICER TO THE PERSON INTERVIEWED AND THE ANSWERS GIVEN BY THAT PERSON MUST BE WRITTEN DOWN EXACTLY, REGARDLESS OF WHAT THE ANSWERS MAY BE.

1. You are (under arrest for) (being interviewed in connection with) _____ Do you understand that? _____
2. You have a right to remain silent, You do not have to make any statements. You do no have to answer any questions. Do you understand this? _____
3. Anything you do say can and will be used against you in court, do you understand this? _____

160a

4. You have a right not to answer any particular question and you may stop the interview at any time. Do you understand this? _____
5. You have a right to consult with a lawyer now and at any time during this interview, if you can not afford a lawyer, one will be provided for you, without cost to you at any time. Do you understand this? _____
6. Do you want a lawyer present now? _____
7. Knowing these rights, are you willing to make a statement or answer questions without a lawyer being present? _____
8. Have any threats or promises of any kind been made to you so that you will give us a statement?

I certify that the above items (1) through (8) were read to _____ by me and the answers recorded above are those given by _____

I have read or have had read to me everything on this (miranda rights sheet interview sheet) and it is true and correct.

PERSON INTERVIEWED

OTHER PERSON PRESENT

161a

**OCALA POLICE DEPARTMENT
P.O. BOX 1270, OCALA, FLORIDA 34478**

WAIVER OF RIGHTS

DATE / / TIME HRS.

CASE NO. 0- - -.

I, _____, am _____ year old. My date of birth is / / . I have completed _____ years of school.

I live at _____, _____, _____.
(Street , Apt. number) (city) (State)

The person whom I give the following waiver of rights to is _____, having identified and made himself known to me as a Police Officer working for the Ocala Police Department, and the officer who advised me, and I know:

1. That I have the right to remain silent _____.
2. That anything I say can and will be used against me in a court of law _____.
3. That I have the right to talk to a lawyer and to have him present with me while I am being questioned _____.
4. That if I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning without cost if I wish _____.

162a

5. That I can decide at any time to exercise these rights and not answer any questions or make any statements _____.

A. I understand each of the above rights that have been explained to me and are initialed by me _____.

B. Having these rights in mind, I wish to talk to Law Enforcement. **Yes No**
(Circle above)

SIGNATURE

WITNESS: _____

**GIVE THIS WARNING TO ANY SUSPECT
DETAINED PRIOR TO ANY QUESTIONING,
IDENTIFY YOURSELF AND STATE:** *“I am
required to warn you before you make any statement
that you have the following constitutional rights:*

- (1) You have the right to remain silent and not answer any questions.*
- (2) Any statement you make must be freely and voluntarily given.*
- (3) You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.*
- (4) If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statement and during any questioning.*
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.*
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will.*
- (7) Any statement can be and will be used against you in a court of law.*

THE VILLAGE OF NORTH PALM BEACH
PUBLIC SAFETY DEPARTMENT

164a

GIVE THIS WARNING TO ANY SUSPECT DETAINED PRIOR TO ANY QUESTIONING, IDENTIFY YOURSELF AND STATE: "I am required to warn you before you make any statement that you have the following constitutional rights.

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have the right to presence of a lawyer of your choice before you make any statement and during any questioning.

PBPO 50

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

Palm Beach Police Department
345 S. County Road
Palm Beach, Florida 33480

Dear Sirs:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

165a

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC: lw
Enclosure

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

166a

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

Palm Beach Gardens Police Department
10500 N. Military Trail
Palm Beach Gardens, Florida 33410

Dear Sirs:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC : lw

167a

Enclosure

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

GIVE THIS WARNING TO ANY SUSPECT PRIOR TO ANY QUESTIONING. IDENTIFY YOURSELF AND STATE:

“I am required to warn you before you make any statement that you have the following constitutional rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a Court appointed lawyer before you make any statement and during any questioning.
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
- (6) I can make no threats or promises to induce you to make a statement. This must be of your own free will.
- (7) Any statement can and will be used against you in a court of law.

CITY OF PALM BEACH GARDENS, FLORIDA

169a

[handwritten note: This is all we have and the defendant signs on the bottom of this card where I marked in red.]

170a

WAIVER

After the warning, ask the following questions and secure an affirmative answer to each to obtain a waiver.

- (1) Do you understand each of these rights I have explained to you?
- (2) With these rights in mind, do you wish to talk to us now?

Ask defendant to sign card.

IMPLIED CONSENT

After the defendant has been lawfully arrested, read the following statements to him:

- (1) I am now offering to give you an approved chemical test of your breath for the purpose of determining the alcoholic content of your blood.
- (2) If you refuse to take this chemical test, your privilege of operating a motor vehicle will be suspended for a period of one year.

Be certain the defendant understands the statements. Remember, in order to uphold the suspension, you must prove: (1) You had reasonable cause to believe the defendant was driving while under the influence of an alcoholic beverage; (2) The defendant was lawfully arrested; (3) The defendant refused to submit to a chemical test; and (4) The defendant was warned, and he understood, that his driving privilege would be suspended for one year if he refused to submit to the test.

171a

Ask defendant to sign card.

X _____
**CITY OF PALM BEACH GARDENS,
FLORIDA**

172a

PENSACOLA POLICE DEPARTMENT

RIGHTS FORM

Name: _____ Complaint #: _____

Age: _____ Location: _____

Date: _____

Time: _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in Court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you free of charge before any questioning, if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

173a

WAIVER OF RIGHTS

I have read my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been used against me.

Signed: _____

Witness: _____

Witness: _____

PLANTATION POLICE DEPARTMENT

**Warning of Rights of Person in Police Custody
Before Interrogation Begins.**

**THE FOLLOWING WARNINGS MUST BE
GIVEN TO THE SUBJECT BEFORE THE
INTERROGATION BEGINS:**

1. "You have the right to remain silent and refuse to answer questions" Do you understand?
Subject replied _____.
2. "Anything you do say will be used against you in a court of law." Do you understand?
Subject replied _____.
3. "You have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future." Do you understand?
Subject replied _____.
- 4 "If you cannot afford an attorney, one will be provided for you without cost." Do you understand? Subject replied _____.
5. "If you decide to answer questions now without an attorney present you will still have the right to stop answering at any time until you talk to an attorney." Do you understand?
Subject replied _____.
6. "Have you previously requested any law enforcement officer to allow you to speak to an attorney?" Subject replied _____.

175a

7. "Now that I have advised you of your rights, are you willing to answer questions without an attorney present?" Subject replied _____.

Subject Signature

Witness _____

Witness _____

Date _____ Time _____ Place _____

DIRECTIONS TO POLICE OFFICER:

- A. If the subject indicates that he does not understand any portion of the instructions, they may be explained to him further in substantially similar language.
- B. If the subject does not understand English, the statement and any explanations shall be given in whatever language he does speak or understand.
- C. If the subject states he wants an attorney, he may not be interrogated until an attorney is present. If the subject states he wishes to remain silent and make no statement, he must not be interrogated. If the subject is talking to the police and then indicates his desire to stop, the interrogation must cease and he must not be interrogated further.
- D. If the person in custody indicates he has an attorney and wants to consult with him, the officer conducting the interrogation shall ascertain the identity of such attorney and make every reasonable effort to contact him.
- E. Custodial interrogation means questioning begun by police or law enforcement officers after a person has been taken into custody, or otherwise deprived of his freedom of action in any significant way.

177a

CITY OF SANFORD, FLORIDA

POLICE DEPARTMENT
815 S. FRENCH AVE.
SANFORD, FL 32771

CONSTITUTIONAL RIGHTS

Case Number: _____ Date: _____ Time: _____

Name: _____ Date of Birth: _____

Address: _____, City: _____, State: _____

Before we ask you any questions you must understand your rights. After you have read each question, indicate your answer by writing your initials next to your response.

DO YOU UNDERSTAND

The Constitution requires I inform you that:

YES NO

1. You have the right to remain silent. _____
2. Anything you say can and will be used against you in a court of law. _____
3. You are entitled to talk to an attorney now or have one present now or at any time during questioning. _____
4. If, at any time hereafter, you wish to remain silent or have an attorney present, all questions will be stopped. _____

178a

- 5. If you can not afford an attorney, one will be appointed for you without cost. ___ ___

- 6. Has anyone, at any time, threatened, coerced, or promised you anything in order to induce you to make a statement at this time? ___ ___

- 7. Do you understand these rights? ___ ___

- 8. Do you wish to talk to us at this time? ___ ___

- 9. (If a juvenile) you are entitled to have your parents present during this interview. ___ ___

Signature

Officer: _____ Date: _____

I have read the statement of my rights shown above. I understand what my rights are. I am willing to answer questions and make a statement. I do not want a lawyer at this time. I understand and know what I am doing. No promises have been made to me and no pressure of any kind has been used against me.

Signature

Officer: _____ Date: _____

179a

**City of Sarasota
SARASOTA POLICE DEPARTMENT
2050 Ringling Blvd.
Post Office Box 3528
Sarasota, FL 34230**

CAPTAIN JAMES E. SCHULTZ (914) 954-7027
Support Services Division Fax: 364-7357

April 11, 2002

Mr. Ronald J. Cacciatore
Worldwide Investigations, Inc.
750 S.E. Third Avenue, Suite 201
Fort Lauderdale, FL 33316

Dear Mr. Cacciatore:

I am in receipt of your public records request dated April 2, 2002. Attached is a current Waiver of Rights form that is currently used by the Sarasota Police Department.

Because of the urgency of your request, I will fax a copy of this form and send an original in the self addressed stamped envelope that you included with your letter.

Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

/s/James E. Schultz
Captain James E. Schultz
Support Services Division

180a

JES/cp

Attachment: Waiver of Rights form

181a

WAIVER OF RIGHTS

DATE _____ CASE # _____

On above date Detective _____, has explained my Miranda Rights to me.

I understand that I have the right to remain silent.

I understand that anything I say can be used against me in a court of law.

I understand that I have the right to talk to an attorney and have him present with me while I am being questioned.

I understand that if I want an attorney and cannot afford one, that an attorney will be appointed to represent me, free of charge, before any questioning.

I understand that I can decide at any time to exercise these rights and not answer any questions, or make any statements.

Understanding these rights explained to me I wish to make a statement at this time.

SIGNED: _____

WITNESS: _____

WITNESS: _____

NOTARY PUBLIC
STATE OF FLORIDA AT LARGE

182a

TRUE COPY
POLICE DEPARTMENT
RECORDS AND IDENTIFICATION
ST. PETERSBURG, FL 33705
DATE: 11 APR 02
AGENT: B. WILSON

RIGHTS ADVISEMENT FORM

OFFENSE # _____

Name: _____ DOB: _____ /AGE _____

Address: _____

Are you under the influence of prescription drugs
_____ alcohol _____ Illegal drugs _____

If yes, what? _____

Education, Last Grade Completed: _____

Can you: read _____ write _____ hear _____

Date: _____ Time: _____

I am _____ of the St. Petersburg Police
Department.

Q. Do you understand that you have the right to
remain silent?

A.

Q. Do you understand that anything you say can and
will be used against you in a court of law?

A.

Q. Do you understand that you have the right to have an attorney present while you are being questioned?

A.

Q. Do you understand that if you cannot afford to hire an attorney, one will be appointed to represent you before any questioning, if you wish?

A.

Q. Do you understand that you can decide at any time to exercise these rights and not answer any questions or make any statements?

A.

Q. Do you understand the rights I have just explained to you?

A.

Q. Having these rights in mind, do you wish to talk to us now?

A.

Interviewee Signature: _____

Investigator Signature: _____

Witness Signature: _____

184a

POLICE DEPARTMENT

STUART, FLORIDA

INTERROGATION: ADVICE OF RIGHTS

YOUR RIGHTS

Place _____

Date _____

Time _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

185a

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed _____

Witness: _____

Witness: _____

Time: _____

186a

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

Tallahassee Police Department
234 East 7 Avenue
Tallahassee, Florida 32303

Dear Sirs:

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC : lw

187a

Enclosure

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

188a

NAME: _____

ADDRESS: _____

PLACE: _____

DATE: ____ TIME: ____

CASE NUMBER: _____

STATEMENT OF RIGHTS

Before you answer any question or make any statement, you must fully understand your rights.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statement.

NAME OF OFFICER

ACKNOWLEDGMENT OF RIGHTS

1. Do you understand each of these rights I have explained to you?
2. Have you previously requested any law enforcement officer to allow you to speak to an attorney?
3. Having these rights in mind, do you wish to talk to us now?

SIGNATURE

WITNESS: _____

WITNESS: _____

DATE/TIME: _____

**TAMPA POLICE DEPARTMENT
CONSENT AND RELEASE**

Page ____ of ____ Report No.: ____
Date: _____

I, _____, the undersigned

**CONSENT TO BE INTERVIEWED
CONCERNING AN OFFENSE OF _____**

[int.] You have the right to remain silent. If you give up the right to remain silent, anything you say can be used against you in court. 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.

I, _____, have had these rights read to me; I understand them and I am willing to talk to you at this time.

**CONSENT TO SEARCH/WAIVER OF SEARCH
WARRANT**

I, [int.] hereby voluntarily give my full consent that the premises and/or building(s) or enclosure(s) located therein, and/or vehicle(s) located at _____ may be searched by an authorized law enforcement officer. I give this consent freely and voluntarily, without compulsion, threat, or promise of any kind. I understand my constitutional right to refuse a search of said premises and/or vehicle(s)

without a search warrant and it is my intention to fully and completely waive such right by this consent. I further understand that anything or any article that may be found in this search of the premises and/or vehicle(s) will be used at trial in any matter of which I may be accused.

MISSING PERSON/JUVENILE RUNAWAY AFFIDAVIT:

I, [int.] certify that _____, DOB _____ has been missing since _____. I am the parent, legal guardian family member physician/and or authoritative source of the above described person; and he/she is missing due to:

- unknown circumstances in the company of another person under circumstances indicating physical danger, involuntary disappearance; physical or mental disability; runaway.

FALSE OFFENSE/STOLEN VEHICLE REPORT

I, [int.] certify that the statements made to _____ concerning the offense of _____ were voluntarily made. I further certify that I am aware of the following statute and penalties as provided by 837.05, 775.082 and 775.083, to wit: **Whoever knowingly gives false information to any law enforcement officer concerning the alleged commission of any crime is guilty of a misdemeanor of the first degree, punishable by a definite term of imprisonment not exceeding one year and/or a fine not exceeding \$1,000.00.**

I further agree to notify the Tampa Police Department immediately upon recovery of my property by myself or any other law enforcement agency or any other person.

RELEASE OF RESPONSIBILITY

I, [int.] authorize officer(s) _____
City of Tampa Police Department, to leave my vehicle
to wit: _____ with/parked
Year Make Model Tag No.
at _____

I expressly release the above named officer(s) and the City of Tampa from any liability whatsoever due to damage, loss or theft of the above described vehicle.

COMPLAINT WITHDRAWAL AFFIDAVIT

I, [int.] certify that I am satisfied with the investigation conducted by the Tampa Police Department concerning the offense of _____ and I am hereby withdrawing my complaint. I understand a suspect in this case is _____ and I may request an arrest warrant at a later date, if I so desire.

Signed this _____ day of _____, 19 _____, at _____
o'clock _____m.

Witnesses

Signature/Authority

Officer

193a

INTERROGATION; ADVICE OF RIGHTS

YOUR RIGHTS

Place _____

Date _____

Time _____

CCR# _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a

194a

lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Name _____ Address _____

Telephone No. _____ Age ____ Occupation _____

Statement Made At _____ Hour ____ Date _____

STATEMENT MADE BY ABOVE
NAMED PERSON

SWORN TO and subscribed before me, the undersigned authority, this __ day of __, 19__

Notary Public

I have made this statement of my own free will and accord.

I swear the above statement is correct and true to the best of my knowledge and belief.

Affiants Signature

**GIVE THIS WARNING TO ANY SUSPECT
DETAINED PRIOR TO ANY QUESTIONING.
IDENTIFY YOURSELF AND STATE:**

I am required to warn you before you make any statement that you have the following constitutional rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statement you make must be freely and voluntarily given.
- (3) You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
- (4) If you cannot afford a lawyer, you are entitled to the presence of a Court appointed lawyer before you make any statement and during any questioning.
- (5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent
- (6) I can make no threats or promises to induce you to make statement. This must be of your own free will.
- (7) Any statement can be and will be used against you in a court of law.
- (8) Do you understand each of these rights?
Yes _____ No _____
- (9) Having these rights in mind, do you wish to speak to me now?
Yes _____ No _____

Witness

Date

Time

VERO BEACH POLICE DEPARTMENT

FLORIDA HIGHWAY PATROL

SWORN INTERVIEW - ADVICE OF RIGHTS

I am Trooper _____ of the Florida Highway Patrol conducting a criminal investigation.

This interview is being conducted at _____.
(Location)

Today's date is _____. The time is _____ AM or PM.
Persons present at his interview are _____ (if applicable).

This sworn interview is being taken in relation to _____.

At this time I am advising you of your rights.

Before I ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before I ask you my questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you, without cost, before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you consult a lawyer.

I, _____ had read and explained to me this statement of my rights, and I understand what my rights are. I am willing at this time to make a statement and answer questions. I do not want a lawyer at this time. Any and all statements given by me will be freely and voluntarily. No promises, threats

197a

or inducements of any kind or nature whatsoever have been promised me in order to consent to this interview.

KNOWING MY RIGHTS, I HEREBY, PRIOR TO BEING INTERVIEWED, WAIVE MY RIGHTS TO CONSULT WITH A LAWYER OR TO HAVE ONE PRESENT DURING THIS INTERVIEW. I do hereby affix my signature accordingly.

Signed _____

Date _____

Time _____

Witness: _____

Witness: _____

Time: _____

At this time I will administer the oath.

Page 1 of 2

MSMV 02752 (3/96) 3

FLORIDA DEPARTMENT OF LAW
ENFORCEMENT

CONSTITUTIONAL RIGHTS

Before you make any statement or answer any questions, you must fully understand your constitutional rights.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in court.
3. You have the right to call or obtain an attorney at this time and have one present now or at any time during questioning.
4. If you cannot afford an attorney, one will be provided for you prior to any questioning if you so desire.
5. If you decide to answer questions now, you have the right to stop answering at anytime during questioning.

I have read the above statement and fully understand what my rights are.

Signed: _____

Date: _____

199a

WAIVER OF RIGHTS

I have carefully read the above information concerning my constitutional rights and I fully understand what my rights are. Knowing these rights, I am willing to make a statement at this time and answer questions posed to me without the presence of an attorney. I have made this decision knowingly, intelligently, and voluntarily. No promises, threats, or inducements of any kind have been made to me, nor has any pressure or coercion been used against me, in order to obtain my statement or to persuade me to answer questions.

Signed: _____

Date: _____

Witness: _____

Witness: _____

Time & Date: _____

Place: _____

Revised: 3/15/00

200a

STATE ATTORNEY, FIRST CIRCUIT

ADVICE OF RIGHTS

Place _____

Date _____

Time _____

YOUR RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you, without cost, before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am

201a

doing. No promises or threats have been made to me
and no pressure or coercion of any kind has been used
against me.

Signed _____

Witness: _____

Witness: _____

Time: _____

202a

**WORLDWIDE
INVESTIGATIONS, INC.**

April 2, 2002

State Attorney - Second Circuit
Leon County Courthouse
Tallahassee, Florida 32399-2550

Dear Sirs :

Pursuant to Florida Statutes §119, Public Records Law, please forward me a copy of the Miranda Waiver currently being used by your Office/Department.

The form requested in the one actually signed and initialled by the suspect, not the card read by law enforcement.

Because of the urgency of this request, I would respectfully ask that you expedite this material as it is needed by April 10, 2002. I have enclosed a self-addressed, stamped envelope for your convenience in responding. If there are any further fees required, kindly advise and I will promptly remit same.

Thank you for your anticipated cooperation.

Very truly yours,

/s/ Ronald J. Cacciatore
RONALD J. CACCIATORE

RJC; lw
Enclosure

203a

To ↗

Copy enclosed.

CW Goodwin

SAO 2nd Cir. 4-8-02

750 S.E. Third Ave., Suite 201, Fort Lauderdale, FL
33316 • (954) 524-8144 • Fax: (954) 524-2449

204a

NAME: _____
ADDRESS: PO Box 1033/2000 N. Meri
PLACE: TPD
DATE: 11/10/01 Time: 3:15pm
CASE NUMBER: 01-

STATEMENT OF RIGHTS

Before you answer any question or make any statement, you must fully understand your rights.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. You can decide at any time to exercise these rights and not answer any questions or make any statement.

NAME OF OFFICER

ACKNOWLEDGMENT OF RIGHTS

1. Do you understand each of these rights I have explained to you?

205a

2. Have you previously requested any law enforcement officer to allow you to speak to an attorney?
3. Having these rights in mind, do you wish to talk to us now?

SIGNATURE

WITNESS

WITNESS

DATE/TIME 11/06/01

PD130 REV 3/90

206a

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES

[SEAL]

John Tanner
STATE ATTORNEY
251 North Ridgewood Avenue
Daytona Beach, Florida 32114-7509
Phone (386) 239-7710
SUNCOM 377-7710
Fax (386) 239-7716

April 9, 2002

Mr. Ronald Cacciatore
Worldwide Investigations, Inc.
750 S.E. Third Avenue, Suite 201
Fort Lauderdale, FL 33316

Dear Mr. Cacciatore:

We have received your letter requesting forms. Attached are three forms; Miranda Rights form, Juvenile Waiver of Rights Form, and Garrity Warnings form.

Sincerely,

/s/Robert L. Wheeler
ROBERT L. WHEELER
Administrative Assistant/Chief Investigator

Rw:rm
RWWorldwideInvestig
Attachments

MIRANDA RIGHTS

First, identify yourself. Second, tell the subject the topic of inquiry. Third, read the subject the following:

These are your Rights.

1. You have the right to remain silent and anything you say may be used as evidence against you.
2. You have the right to talk to an attorney and have him with you now or at any time during questioning; if you cannot afford an attorney, one will be appointed to represent you.
3. If at any time you wish to stop talking or to have an attorney present, all questioning will be stopped at your request.
4. Do you understand these rights?
5. Do you waive these rights and are you willing to talk to me?

WAIVER OF RIGHTS

The above statement of my rights has been read to me and I understand each one. Having these rights in mind, I voluntarily waive them and willingly consent to be interviewed. I have not previously invoked my rights with regard to the topic of inquiry.

SIGNATURE

208a

WITNESSED:

SIGNATURE

SIGNATURE

PRINT NAME

PRINT NAME

DATE: _____ TIME: _____ AM/PM

NAME: _____ AGE: _____

AGENCY CASE NO: _____

EDUCATION: _____ SAI CASE NO: _____

FLUENT IN ENGLISH _____ YES _____ NO (DETAILS
IF NO): _____

Form 102.SAO (Revised 06/17/92)

209a

[SEAL]

OFFICE OF STATE ATTORNEY
TENTH JUDICIAL CIRCUIT, FLORIDA
Polk, Highlands, and Hardee Counties

Drawer SA, P.O. Box 9000
Bartow, FL 33830-9000 (863) 534-4804
FAX # (863) 534-4945

Lakeland Branch Office
Polk County Government Center
930 East Parker St. Room 238
Lakeland, FL 33801 (863) 499-2596

Winter Haven Branch Office
150 4th Street, N.W.
Winter Haven, FL 33881 (863) 291-5742

Jerry Hill
State Attorney

YOUR RIGHTS

Before we ask you any questions, you must understand your rights:

- You have the right to remain silent
- Anything you say can be used against you in court
- You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her with you during questioning

210a

- ___ If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish
- ___ Do you desire to consult with a lawyer first or to have one during this interview?
- ___ If, at any time hereafter, you wish to remain silent or have a lawyer present, all questioning will be stopped
- ___ Has anyone, at any time, threatened, coerced, or promised you anything in order to persuade you to make a statement now?
- ___ Do you understand these rights?
- ___ Do you wish to talk to us at this time?

WAIVER OF RIGHTS

I have read and understand this statement of my rights. I am willing to make a statement and answer questions at this time. I do not wish to talk to a lawyer. I am giving this statement freely and voluntarily with my rights in mind. There have been no threats, promises, pressure, or coercion of any kind to persuade me to give this statement.

Interviewee

Witness

Date / Time of Interview

Witness

211a

OFFICE OF THE
STATE ATTORNEY
FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

[SEAL]

BARRY E. KRISCHER
STATE ATTORNEY

Tuesday, April 09, 2002

Ronald J. Cacciatore
750 S.E. Third Ave., Suite 201
Ft. Lauderdale, Fl. 33316

Dear Mr. Cacciatore:

In response to your request, enclosed is a copy of the
Miranda Waiver currently being used by our office.

Sincerely,

/s/ D. Thomas
Debby Thomas
Public Information

401 North Dixie Highway • West Palm Beach, FL
33401-4209 (561)-355-7100

212a

OFFICE OF THE
STATE ATTORNEY
FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR PALM BEACH COUNTY

[SEAL]

BARRY E. KRISCHER
STATE ATTORNEY

MIRANDA RIGHTS

**GIVE THIS WARNING TO ANY SUSPECT
DETAINED PRIOR TO ANY QUESTIONING.
IDENTIFY YOURSELF AND STATE:**

“I’m required to warn you before you make any statement that you have the following Constitutional Rights:

- (1) You have the right to remain silent and not answer any questions.
- (2) Any statements you make must be freely and voluntarily given.
- (3) You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.
- (4) If you cannot afford a lawyer, you are entitled to the presence and representation of a Court appointed lawyer before you make any statement and during any questioning.

213a

(5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.

(6) I can make no threats or promises to induce you to make a statement. This must be of your own free will.

(7) Any statement you make can be and will be used against you in a court of law.”

Signature of Suspect

Name of Suspect(printed)

Date Time

Signature of Witness

Signature of Witness

401 N. Dixie Highway, West Palm Beach, Florida
33401-4209 (561) 355-7100

214a

[SEAL]

State Attorney

SIXTEENTH JUDICIAL CIRCUIT OF FLORIDA
530 WHITEHEAD STREET
KEY WEST, FLORIDA 33040-6547

MARK E. KOHL
State Attorney

TELEPHONE
305-292-3400

April 5, 2002

Worldwide Investigations, Inc.
Ronald J. Cacciatore
750 S. E. Third Avenue
Suite 201
Fort Lauderdale, Florida 33316

Dear Sir:

In response to your request for a copy of the Miranda Rights form used by our office, I have enclosed two of those forms. One is in English and one is in Spanish. You should be aware that there is no standard form used by our office and that generally Miranda is read from a card. The forms that I have provided are copies of forms that one of the investigators has used in the past. However, there is no standardization for our forms on Miranda.

If there is anything additional that you need, please feel free to contact me.

Sincerely,

/s/ Mark E. Kohl

215a

Mark E. Kohl
State Attorney

MEK/da

216a

INTERROGATION - ADVICE OF RIGHTS

YOUR RIGHTS

Date _____ Place _____

Time _____ AM/PM _____

BEFORE we ask you any questions, you must understand your rights.

You have the right to remain silent.

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

You have the right to talk to a lawyer for advice before we ask you any questions and to have him/her present with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am

217a

doing. No promises or threats have been made to me
and no pressure or coercion of any kind has been used
against me.

Signed _____

Witness

Witness

Time _____ AM / PM

Defendant's Name: _____

Date: _____

DECLARACION DE DERECHOS

Antes de hacerle algunas preguntas, usted tiene que entender:

-usted tiene el derecho de permanecer callado.

-cualquier cosa que usted diga, se puede usar en su contra en la corte.

-usted tiene el derecho de consultar con un abogado, antes de hacerle algunas preguntas, y tener dicho abogado presente durante el interrogatorio.

-si usted no puede pagar para los servicios de un abogado, uno será nombrado para usted, antes de cualquier interrogatorio, si usted desea.

¿entiende usted? Sí _____ No _____

Firma: _____

Witness: _____

Witness: _____

219a

OFFICE OF THE
State Attorney
NINETEENTH JUDICIAL CIRCUIT OF FLORIDA
SERVING
INDIAN RIVER, MARTIN, OKEECHOBEE
AND ST. LUCIE COUNTIES

[SEAL]	411 South Second Street
Bruce H. Colton	Fort Pierce, Florida 34950
State Attorney	(561) 465-3000
	Fax (561) 462-1214

April 5, 2002

Ron Cacciatore
World Wide Investigations

Re: public records request for Miranda Waiver Form

Dear Mr. Cacciatore:

Here is a copy of the Miranda waiver form currently used by our State Attorney Investigators. If you have any question, feel free to call.

Sincerely,

/s/ Lawrence Mirman
Lawrence Mirman
Attorney In Charge
Legal Affairs

220a

STATE ATTORNEY'S OFFICE
19TH JUDICIAL CIRCUIT

INTERROGATION: ADVICE OF RIGHTS

YOUR RIGHTS

Place _____

Date _____

Time _____

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make

221a

a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed _____

Witness: _____

Witness: _____

Time: _____

222a

JOSEPH P. D'ALESSANDRO
STATE ATTORNEY
TWENTIETH JUDICIAL CIRCUIT
P.O. BOX 399
FORT MYERS, FL 33902

941-335-2726
FAX No.: 941-335-2360

Fax

TO: Ronald Cacciatore	From: Mike Dickman
Fax: (954) 524-2449	Pages: 2
Phone:	Date: 4-10-02
Re:	CC:

Urgent **For Review** **Please Comment**
 Please Reply

SUBJECT: Miranda Waiver - Public Records request dated April 2, 2002.

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any distribution, use or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone at 941-335-2726 and return

223a

the original to us at the above address via the U.S.
Postal Service. Thank you.

224a

STATE ATTORNEY'S OFFICE
20TH JUDICIAL CIRCUIT

CASE # _____

PLACE: _____

TIME: _____

DATE: _____

INVESTIGATOR: _____

WARNING OF CONSTITUTIONAL RIGHTS

NAME: _____

1. You have the right to remain silent.
2. Anything you say can be used against you in court.
3. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning if you wish.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

=====

1. Do you understand each of these rights I have explained to you?

Yes ____ No ____ Initials _____

2. With these rights in mind, do you wish to talk to us now?

Yes ____ No ____ Initials _____

Witness _____

WAIVER OF RIGHTS

I HAVE carefully read the above statement and I fully understand what my rights are. I do not want an attorney at this time and I am willing to make a statement and answer any questions concerning this investigation. I fully understand and know what I am doing. No promises, threats, or inducements have been made to me and no pressure or coercion of any kind has been used against me.

(SIGNED) _____

WITNESS: _____

WITNESS: _____

TIME: _____

YOUR RIGHTS PER MIRANDA

BEFORE WE ASK YOU ANY QUESTIONS
CONCERNING A ALLEGED

YOU MUST FULLY UNDERSTAND YOUR RIGHTS
PER MIRANDA.

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE QUESTIONED.
 4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.
 5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.
1. DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
 2. HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

WITNESS: _____

227a

WITNESS: _____

TIME & DATE: _____

PLACE: _____

OFFICER: _____

SIGNED

ADVISEMENT OF MIRANDA RIGHTS

TIME: _____ DATE: _____

PLACE: _____ CASE #: _____

GIVE THIS WARNING TO ANY SUSPECT
DETAINED PRIOR TO ANY QUESTIONS.
IDENTIFY YOURSELF AND STATE:

“I am required to warn you before you make any
statement that you have the following Constitutional
Rights:

- 1) You have the right to remain silent and not answer any questions.
- 2) Any statement you make must be freely and voluntarily given.
- 3) You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.
- 4) If you cannot afford a lawyer, you are entitled to the presence and representation of a Court-appointed lawyer before you make any statement and during any questioning.
- 5) If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
- 6) I can make no threats or promises to induce you to make a statement. This must be of your own free will.

229a

- 7) Any statement can be and will be used against you in a court of law.
- 8) Do you understand these Rights as they have just been read to you?"

Suspect's Answer: _____

Signed: _____

Witness: _____

Witness: _____

Time: _____

Date: _____

Place: _____

230a

[SEAL]

MIRANDA WARNING

BEFORE I ASK YOU ANY QUESTIONS, I WANT TO ADVISE YOU OF YOUR CONSTITUTIONAL RIGHTS.

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to talk with a lawyer and have a lawyer present before any questioning.
4. If you cannot afford a lawyer, one will be appointed to represent you before any questioning if you wish.

Do you understand each of these rights I have read to you? _____

WAIVER OF RIGHTS

I, _____, have read this statement of my rights or have had it read to me and I understand what my rights are. With these rights in mind I am willing to answer questions without a lawyer present. This waiver of rights is signed of my own free will without any threats or promises having been made to me.

Signature 2/15/02 1900 hrs
Date/Time

Witness Signature Date/Time

231a

Deputy Signature/CCN Date/Time

Location: PSB

Case #: PB02-02-4118

BSO RP#17A (New 2/99)

Exhibit "A"

(Rev 2/27/07)

ADVICE OF RIGHTS

Place _____

Date _____

Time _____

YOUR RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions.

You have the right to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you have the right to stop answering at any time.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. At this time, I am willing to answer questions without a lawyer present.

233a

Signed _____

Witness: _____

Witness: _____

Time: _____

FBI FORM

Exhibit "B"

234a

APPENDIX B

TAMPA POLICE DEPARTMENT

LEGAL BULLETIN

June 30, 2009

TO: ALL SWORN PERSONNEL

FROM: KIRBY C. RAINSBERGER /KCR
Police Legal Advisor

SUBJECT: New Supreme Court Opinion Regarding
Interrogation of Suspects after
Arraignment
Legal Bulletin #09-14

This legal bulletin applies to situations where it is necessary to question a subject who is in jail and has already obtained, or has been appointed, a lawyer. This area of the law is very complex and errors by officers can have drastic consequences.

For more than twenty years, the courts have held that once counsel has been appointed for, or obtained by, an arrested individual, that individual could not be interrogated by police concerning the incident for which he was arrested without the presence of the lawyer except when the contact was initiated by the subject

himself. In *Montejo v. Louisiana*, 129 S.Ct. 2079 (May 26, 2009), the rules were somewhat changed. Essentially, the Court combined the rules regarding Fifth Amendment right to counsel¹ with the rules regarding Sixth Amendment right to counsel. The Court specifically held that the procedures applicable to protect the right to counsel under the Fifth Amendment were sufficient to protect the right to counsel under the Sixth Amendment even after the subject has been appointed or otherwise has obtained an attorney.

The basic rules developed in cases decided under the Fifth Amendment **must** be known and followed by officers without exception:

1. Any suspect has the right to remain silent in response to police questioning. A suspect who is **in custody** has the right to have an attorney present before and during questioning **and** has the right to be informed of all of the foregoing. *Miranda v. Arizona*, 86 S.Ct. 1602 (1966).
2. Once a suspect has unequivocally invoked his right to counsel, all interrogation must **cease** until counsel is provided. *Edwards v. Arizona*, 101 S.Ct. 1880 (1981).
3. Even after counsel has been provided, no subsequent interrogation may occur while the

¹ The actual relevant right mentioned in the Fifth Amendment is the right against compelled self-incrimination. The right to have an attorney before and during custodial interrogation is merely a judicially created way to ensure that the right against compelled self-incrimination is protected.

subject is continuously in custody unless counsel is present. *Minnick v. Mississippi*, 111 S.Ct. 486 (1990).

4. The Fifth Amendment right to counsel may only be invoked during or immediately preceding custodial interrogation. *McNeil v. Wisconsin*, 111 S.Ct. 2204 (1991).
5. Once the right to counsel is properly invoked, there can be **no** further interrogation outside the presence of counsel by **any** law enforcement officer as to **any** criminal act for as long as the suspect is continuously in custody unless the suspect himself initiates the contact and questioning. *Arizona v. Roberson*, 108 S.Ct. 2093 (1988).

It should be immediately apparent that once a subject invokes his right to counsel in a custodial interrogation setting, police questioning is effectively over for at least as long as the subject is in custody. Before contacting an incarcerated subject for any criminal interview, officers must first determine whether he has invoked his right to counsel in an interrogation setting at any time during his present term of incarceration, in front of any officer from any agency regarding any investigation. That means you need to know who he has talked to since the moment of his arrest. You need to talk with those officers or investigators to find out if the subject at any time invoked his right to counsel. You need to review all reports to look for any reference to the subject invoking his right to counsel. The only thing that has now changed, is that officers no longer need to concern themselves with what has transpired in front of a

judge or with the forms used by the Public Defender's Office which purport to invoke Fifth and Sixth Amendment rights.

Because officers must scrupulously honor a suspect's request for a lawyer, it is obviously better from a law enforcement perspective if the suspect does not request a lawyer. Officers need to administer *Miranda* warnings lawfully and intelligently:

1. **Only** recite the *Miranda* warnings to a person who is in custody or otherwise not free to leave. *Miranda* applies only to **custodial** interrogation, not to general inquiries.
2. Only recite the *Miranda* warnings to a person whom you need to question while in custody. **Do not** automatically recite *Miranda* to every person you arrest. Sometimes, by the time a person is in custody, your case is solid and you don't need to question the subject. Sometimes, the suspect must be questioned but **not by you**. If you routinely blurt out *Miranda* warnings for no particular reason and the suspect equally thoughtlessly says he'll take the free lawyer, the latent investigators have just lost their best opportunity to help resolve the case, and perhaps many others.
3. You may re-approach a suspect who invokes his right to remain silent, but **not** one who invokes his right to counsel. Therefore, if the suspect is not going to talk to you at the moment, there is no need to give him a chance to also invoke the right to counsel. You should verbally advise the subject directly from the SAO card that he has

238a

the right to remain silent and that anything he says can be used against him in court. **Stop right there.** Ask the suspect if he wants to talk about the matter now. If he says, “**No,**” go no further with the rights advisement or the interview. Because he did not invoke the right to counsel, you may re-approach the suspect in a few minutes or a few hours and ask if he has changed his mind about talking to you. Until his answer is “yes” there is no need to mention the right to counsel. When the suspect indicates a willingness to talk, start over with the rights advisement from the SAO card and **now** advise him of the right to counsel. If he invokes at this point the interview is over but you have done all you can do. Be sure to note in your report that the suspect invoked his right to counsel.

Please contact my office with any questions.

KCR:jak