



UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON 25, D.C.

7-31-74 851 400

IDENTIFICATION DIVISION

The following FBI record, NUMBER 899 313 C, is furnished FOR OFFICIAL USE ONLY.

446540

CONTINENTAL OFFICE OF ORIGIN	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Phoenix Ariz	Ernest Arthur Miranda #446540	3-13-63	rape 3-14-63 on chg of 1st & 2nd deg rape	rel 60 yrs later
SO Phoenix Ariz	Ernest Arthur Miranda #102701	3-14-63	kidnapping & rape 1st deg 2 counts	20-30 yrs each on 2nd count
SO Phoenix Ariz	Ernest Arthur Miranda #102701	3-14-63	rob	20-25 yrs 1st 6-27-63 concurrently with above
SA Cardinals and Parsons Phoenix Ariz	Ernest Arthur Miranda #24800	7-5-63	Ct I- Kidnapping Ct II- rape (1st degree) to run concurrently	20 yrs to 10 yrs
SO Phoenix Ariz	Ernest Arthur Miranda #102701	10-10-66	Order securing attendance	
SP Florence Ariz	Ernest Arthur Miranda	3-3-67	Ct I-Kidnapping Ct II-Rape (1st Deg)	
SP Florence Ariz	Ernest Arthur Miranda #24847	3-5-67	Ct I-Kidnapping Ct II-Rape (1st Deg)	10-20-67
PD Phoenix Ariz	Ernest Arthur Miranda #446540 SID 405607 3	7-16-7-	Viol. of parole	

446540

PPD RELEASE
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Information shown on this Identification Record represents data furnished by contributing contributors. Where data is shown as not known or further explanation of charges is desired, consult with agency contributing the fingerprints.
 No claims are made as to the accuracy of the information in FBI files but are listed on this record.

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IDENTIFICATION DIVISION

The following FBI record NUMBER 179 313 3 is furnished FOR OFFICIAL USE OF

CONTINUED BY PAGE NO.	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
FD Los Angeles Calif	Ernest Garcia Miranda IRA 404 200-11	10-20-57	supp robb (delinquent)	10-30-57 petitioner J. L. ... (45.03) ... tained with ... of 11-13-57
Army	Ernest Garcia Miranda IRA 19 302 35	4-21-58 Phoenix Ariz		
Pres. Inv. ... St. ...	Ernest Garcia Miranda IRA	PP 4-11-59	Inquiry	see ...
30 ... Texas	Ernest Garcia Miranda IRA	8-22-59	vag	\$250 ... 9-5-59
37 ...	Ernest Garcia Miranda #11901	12-15-58	Dyer Act (Gov)	
511 ...	Ernest Garcia Miranda #1190	12-15-59	Dyer Act	1 yr ... 3-17-60
FD ... Chattanooga	Ernest Garcia Miranda #11901-C	3-17-60	transporting stolen auto interstate	1 yr ...
FD ...	Ernest Garcia Miranda #119-10	3-25-60 Arms #C-11535	... Arms	exp. of ...
FD Mesa Ariz	Ernest Arthur Miranda #1025	1-1-61	prim veg	

PPD RELEASE
 TO 413

No ratings made since 1 ARE NOT BASED ON FINGERPRINT IDENTIFICATION. If any information is furnished (B) (6) concerning individuals of the same or similar names or aliases ARE LISTED ON THE INVESTIGATIVE LEADS.

UNITED STATES DEPARTMENT OF JUSTICE
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 WASHINGTON, D. C.

7-31-74

IDENTIFICATION DIVISION

The following FBI record, NUMBER 879 313 C, is furnished FOR OFFICIAL USE ONLY.

CONTINUATOR OF PRECEDENTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	#-- Port Stockade Ft Campbell Ky PP 4-11-59 Inquiry committed conf 2nd from conf 7-2-59 sentenced to 3 mo conf at hard labor: paid \$50 per mo for 3 months reduced to Ret E-1 on chg of inquiry AWSL <i>Ernest</i>			
	FL 58: Ernest A Miranda is arrested prior to 3-3-83 Notify Department of Public Safety CIS P.O. Box 8633 Phoenix Arizona 85005 a Chief Division of Parole Department of Corr, 1401 W. Jefferson Phoenix Arizona 85007 in rec 3-3-73			

PFD RELEASE
 NO 413
 DATE 4-5-77

SUPPLEMENT

Notations in bold type are based on FINGERPRINTS IN FBI FILES. The notations are for individuals who were formerly filed in this Bureau concerning individuals of the same or similar names or aliases and ARE LISTED ONLY AS INVESTIGATIVE LEADS.

PHOENIX PD
63-08380
3/18/03



Ernesto A. Miranda (far left)

SUBJECT: KARP D.R. 63-08380

STATEMENT OF: ERNEST ARTHUR MIRANDA

TAKEN BY: C. Cooley #413 - W. Young #182

DATE: 3-13-63 TIME: 1:30 PM PLACE TAKEN: INTER Rm #2

I, Ernest A. Miranda, do hereby swear that I make this statement voluntarily and of my own free will, with no threats, coercion, or promises of immunity, and with full knowledge of my legal rights, understanding any statement I make may be used against me.

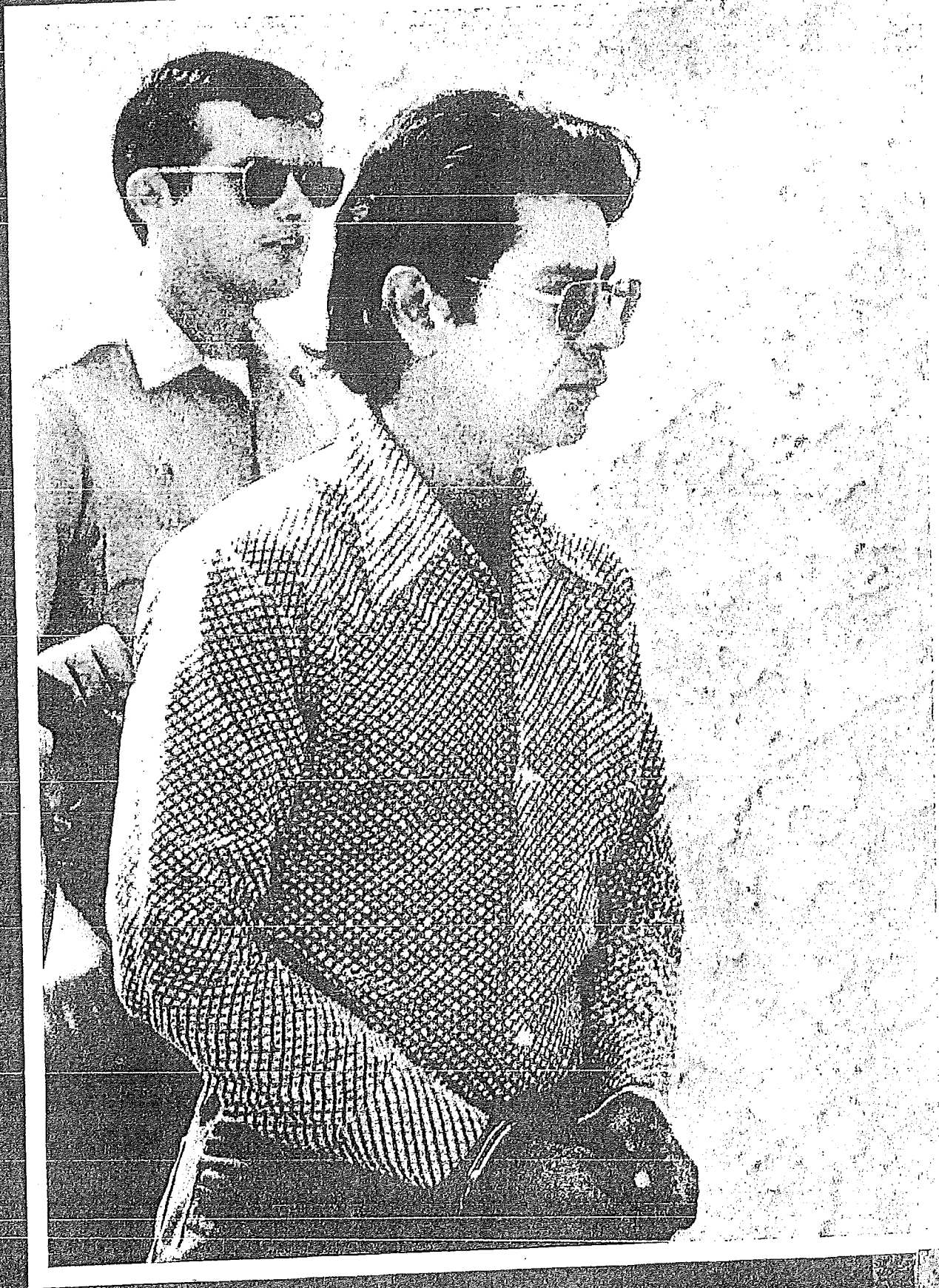
I, Ernest A. Miranda, am 23 years of age and have completed the 8th grade in school.

ADM: Faded ADM I saw a girl walking up street stopped a little ahead of her got out of car walked towards her grabbed her by the arm and asked to get in the car. Got in car without force tied hands + ankles. Drove away for a few miles. Stopped asked to take clothes off. Did not, asked me to take her back home. I started to take clothes off her without any force and with cooperation. Asked her to lay down and she did. Could not get penis into vagina got about 1/2 (half) inch in. Told her to get clothes back on. Drove her home. I couldn't say I was sorry for what I had done. Asked her to say a prayer for me. ADM.

I have read and understand the foregoing statement and hereby swear to its truthfulness.

WITNESS: Carroll Bealy
Wilfred M. Young #182

PROSECUTOR
CONFIDENTIAL



PHOTOGRAPH BY [unreadable]

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 THE PRESENCE OF AN
ATTORNEY TO ASSIST YOU PRIOR TO QUESTIONING,
AND TO BE WITH YOU DURING QUESTIONING, IF YOU
SO DESIRE.

IF YOU CANNOT AFFORD AN ATTORNEY YOU HAVE
THE RIGHT TO HAVE AN ATTORNEY APPOINTED
FOR YOU PRIOR TO QUESTIONING.

DO YOU UNDERSTAND THESE RIGHTS?

WILL YOU VOLUNTARILY ANSWER MY QUESTIONS?

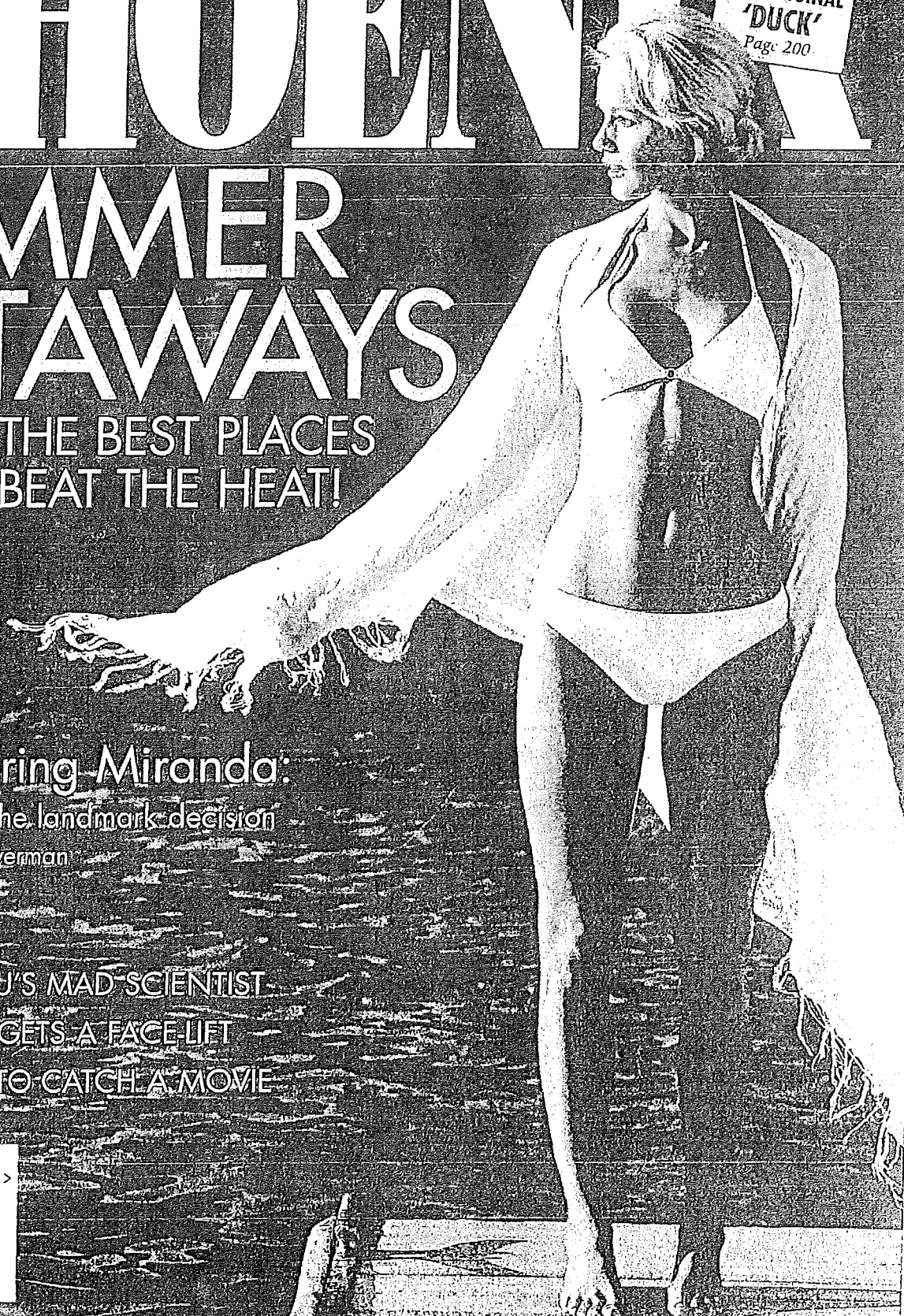
EXCLUSIVE: THE SHOCKING DETAILS OF A 1978 MURDER MYSTERY
The Valley's Old-Time TV Pitchmen • San Diego's Best Restaurants

PHOENIX

THE ORIGINAL
'DUCK'
Page 200

SUMMER GETAWAYS

21 OF THE BEST PLACES
TO BEAT THE HEAT!



Plus:

Remembering Miranda:

40 years after the landmark decision
by Judge Barry Silverman

And:

DR. POSTE: ASU'S MAD SCIENTIST

PAPAGO PARK GETS A FACE-LIFT

COOL PLACES TO CATCH A MOVIE

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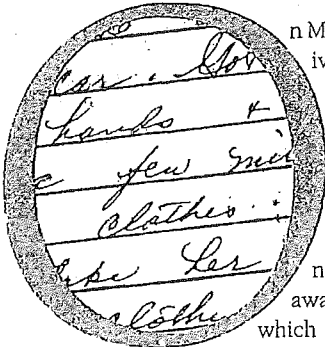


0 74470 94056 2

Remembering MIRANDA

“You have the right to remain silent.” Even if you’ve never been arrested, you know about the Miranda rights, which were established by the United States Supreme Court 40 years ago this month. Few people, however, know much about the man for whom the rights were named. Barry G. Silverman, a judge on the United States Court of Appeals for the Ninth Circuit, is one of the few. What follows are his personal recollections of Ernesto A. Miranda.

by Barry G. Silverman



On March 2, 1963, at 11:30 p.m., an attractive 18-year-old blonde named Peggy Sue Jones (not her real name) had just gotten off work at the concession stand of the Old Paramount Theater in Downtown Phoenix. She went quickly into the lounge, changed her clothes, and left for the Phoenix Transit Terminal several blocks away. Peggy caught the 11:45 p.m. bus, which let her off on the corner of Seventh Street and Marlette 25 minutes later, just a couple blocks from her house, as it had so many nights before. She then began the short walk home.

Peggy later testified, "Well, there is this... there is a ballet school on Marlette, and I noticed that this car pulled out. It went east on Marlette and it parked down across from these apartments. Well, I started walking and I noticed that this man was coming toward me. I didn't pay any attention, because I always pass people on that street. I just kept walking, and finally... well, it just happened so suddenly; I didn't have time to do anything. He told me not to scream, that he wouldn't hurt me."

The man, 5-foot-10, 145 pounds, his arms and legs covered with 10 tattoos, shoved Peggy into the backseat of his old Packard, tied her ankles and wrists with two pieces of rope, placed a sharp, cold object against her neck, and said, "Feel this." Then, he drove east for about 20 minutes until he reached a dark, vacant clearing in the desert.

He stopped the car, got out for about a half-hour, and then finally went to the backseat and untied the crying girl.

"He put me up and sat down by me and told me to take my clothes off. I said, 'No.' I just pushed away from him. He started rubbing my arm. He removed my blouse. He unbuttoned my skirt. Then he pushed me down on the seat and he took my slip over his arm. I just screamed, 'Please let me go.' Then he started to undress."

After the man completely undressed himself, he went back to Peggy, unfastened her bra, pulled down her panties, and forced her to lie down.

"He pushed my legs [open] and he got between them and then he was over me," Peggy continued. "He was over me and I was undressed and he was undressed and then he tried to make penetration. At first, he didn't succeed, and then he sat."

The man stood up, urinated on a nearby cactus, and returned to Peggy. He then attempted to penetrate her again, this time with better luck.

During their sexual intercourse, the man smiled and said, "You can't tell me that you haven't done this before." She screamed, "No, I haven't!" Apparently disturbed by the exchange, the man got up, handed her a dirty rag from the car, and told her to wipe herself off. He returned to the front seat and got dressed. After a while, Peggy regained her composure, and she, too, began to dress.

"I asked him, I said, 'May I please have my watch back?' and he said, 'I will if you say please to me.'" She said please. He returned the watch. The man started the car, asked Peggy where she lived, and drove her to the corner of 12th Street and Rose Lane, four blocks from her home.

"But this isn't where I live," Peggy told him.

"This is as far as I am taking you. Are you going to tell on me?" Peggy didn't reply. "Well, whether you tell your mother what has happened or not is none of my business, but pray for me." She got out of the car, and he drove away.

FBI reports indicate that in 1963, more than 16,000 forcible rapes were committed in this country – 112 of them in Phoenix. Peggy's rape was not unlike the other 111 rapes in town, with one exception: The man who loomed out of the dark to abduct Peggy Sue Jones 43 years ago – the man who returned to the scene of the crime six days later hoping to catch her again – was then-23-year-old Ernesto Arthur Miranda.

His last name has since become synonymous with the U.S. Supreme Court's landmark June 1966 decision that overturned his two 20- to 30-year sentences for rape and kidnapping on the ground that he had not been advised of his constitutional right to remain silent before he confessed. This month marks the 40th anniversary of that monumental Supreme Court decision.

I first met Ernie Miranda in December 1969, during the Christmas vacation of my freshman year in college. I was aware that he was being brought to the county jail in Phoenix from the state prison in Florence to attend a hearing. I was intent upon meeting him, so I loitered around the jail elevator in the Maricopa County Superior Court building for the better part of my vacation. Little did I imagine that 15 years later, I'd be working in that same building as a Superior Court judge, a position I held for 10 years.

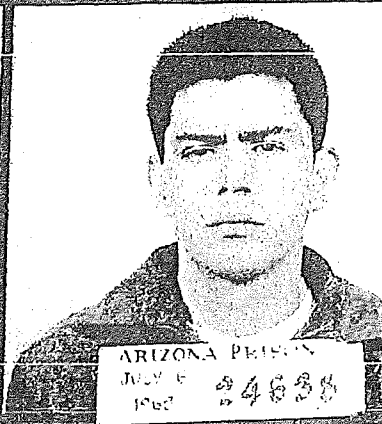
After several disappointing continuances and other delays, a deputy sheriff emerged from the elevator with his celebrated prisoner. Awkwardly, because of his handcuffs, Miranda and I shook hands. In the outer office of the judge's chambers, I introduced myself and explained that I had written a research paper about his case in high school, and now would like to write his biography. He seemed amused and flattered. After the hearing, he was shipped back to Florence, but from that moment on, he and I were friends. My Miranda biography was written, 300 pages in all, but for a variety of reasons it stalled at the option stage with a New York publishing house. A television production company acquired the rights to it and sought to make a TV movie about the case, but the project never got beyond what the Hollywood folks call "development."

In the course of writing the biography, I met with Miranda, both at the state prison and at the Maricopa County jail, about two dozen times. Because of a convict's inaccessibility to the public, generally, and Miranda's particular concern about inadvertently "confessing" a critical detail of one of his then-pending criminal charges, Miranda refused to talk to any writers – real or wannabe – but me. By retracing his past and talking with him at great length as often as I did, I got to know Miranda better than perhaps any other person ever had.

On the evening of January 31, 1976, exactly nine months to the day after his last release from prison, Ernesto Miranda was stabbed to death in a skid-row bar called La Amapola, a place long since torn down to make way for the US Airways Center. The local media reported that Miranda was killed fighting over some change in a card game. Maybe so, but there was also evidence to suggest that the fight began when two bar patrons attempted to rob Miranda of a sizeable sum of money that he had with him at the time.

Much has been written about the legal and political significance of *Miranda v. Arizona*, called by *Time* magazine "the most controversial decision of the Warren Court." But little has been written about Ernesto Miranda the man, his background, and how he learned to cope with his dubious notoriety.

Ernesto Miranda gave this landmark confession without having been read his constitutional rights.



Miranda barely completed eighth grade in 1955, a year that marked an important milestone in his life: his first felony arrest.

Born on March 9, 1940, the fifth son of Manuel and Leona Miranda, young Ernie seemed to be headed for a life of trouble from the very beginning. Perhaps the seeds of Miranda's future problems were planted when his mother died in 1946 at the age of 34, leaving 5-year-old Ernie and his four older brothers without a mother. The youngster found it difficult to accept the stepmother his father married a year after Ernie's mother died.

A problem student in school, Ernie barely completed the eighth grade in 1955, a year that marked an important milestone in the young Miranda's life: his first felony arrest. Placed on probation for car theft, Ernie, a confirmed truant, was ordered to Queen of Peace Grammar School in Mesa.

In May 1955, just a few months after his first arrest, Miranda was arrested again, this time on a burglary charge. His apologies and promises of good behavior fell on deaf ears, though, and he wound up spending six months at the Arizona State Industrial School for Boys at Fort Grant.

Six months later, Ernie was sent home to his parents in Mesa, certainly not reformed, and possibly even worsened by his experience. In the latter part of January 1956, some 50 days after leaving Fort Grant, 15-year-old Ernie was arrested for attempted rape and assault.

According to Miranda's account of the incident, he was walking past a home one evening, and as he peered through a window, he noticed a naked woman lying atop her bed. Miranda discovered that the front door of the woman's house was unlocked, so he entered. When the woman's husband came home and found them, he called the police and Miranda was sent back to reform school at Fort Grant.

One year later, Miranda was again released from Fort Grant. Anxious to leave the state, he went to Los Angeles. In May 1957, the Los Angeles Police Department picked him up for curfew violations, for being a Peeping Tom, and for having a "lack of supervision."

After three days in the Los Angeles County detention home, Ernie went to work as a carry-out boy at an L.A. supermarket, a position he held until September 1957, when he was arrested on suspicion of armed robbery.

Having no better time with the California authorities than with those back home, Ernie returned to Mesa. Five weeks later, though, he went back to California, where he was again arrested on suspicion of armed robbery. After spending 45 days in the custody of the California Youth Authority, Miranda was sent back to Arizona.

At this juncture of his life, young Ernie Miranda found that he had to make some rather important decisions, and fast. In April 1958, Ernesto Miranda enlisted in the Army.

Not surprisingly, he turned out to be anything but Army material. He lasted only 15 months, and eventually received a dishonorable discharge in July 1959, but not before going AWOL, being arrested for being a Peeping Tom, and spending six months doing hard labor in the Post Stockade at Fort Campbell, Kentucky.

After his separation from the service, Miranda spent a brief time in Kentucky, returned to Mesa for one day to visit his family, and then continued on to Los Angeles, where he remained for two weeks. From there, he hopped around to Arizona, then to Nashville, Tennessee, and finally to Pecos, Texas, where he was arrested on a charge of vagrancy in August 1959. He was released from the Reeves County Jail two weeks later.

Finally, on December 16, 1959, the inevitable occurred: his first arrest resulting in hard time. A deputy sheriff in Nashville spotted a stolen car reported missing in Birmingham, Alabama. Driving the car was Ernesto A. Miranda.

In March 1960, Miranda's court-appointed attorney, James R. Tuck of Nashville, urged Miranda to plead guilty in federal court to one count of violating the Dyer Act, which prohibited transporting a stolen car across state lines. Miranda agreed and was given the relatively light sentence of one year and one day in the medium security Federal Reformatory, in Chillicothe, Ohio.

"My impression of Miranda was the same distressing impression that I had received in many cases of this kind," Tuck wrote to me. "It was another case in which the defendant exhibited no remorse, and denied and treated with contempt the suggestion that an effort on his part at self-rehabilitation would be rewarded by acceptance by society."

After two months at Chillicothe, Miranda applied for a transfer to the Federal Correctional Institution at Lompoc, California, to be closer to his family. Miranda recalled that while he was being transferred, he was jailed temporarily at the U.S. Penitentiary at Leavenworth, Kansas.

Although security was much tighter there, Miranda told me that he would have preferred to remain at Leavenworth because of its better prison library. In May, Miranda was issued No. 1110-LC at Lompoc, where he was confined until his release on January 4, 1961. On the day before he was released, some friends visited Miranda. As he waved goodbye to them, the electric gate slammed shut, chopping off the top one-third of his right index finger.

It was not long thereafter that Miranda met Twila Hoffman, an event he would ultimately rue until the day he died.

Ernesto Miranda was stabbed to death at a skid-row bar in Phoenix in 1976. He was 35 years old.

Ernesto Miranda met Twila Hoffman in California and began living with her in August of 1961. He was 21, she was 29. Although she was married to someone else at the time, Hoffman moved to Mesa with Miranda, where they lived with her two children, a son, 11, and a daughter, 10. In September 1962, Hoffman gave birth to Miranda's daughter.

Miranda's first job following his return to Arizona with Twila was at the Velda Rose Motor Court. Soon fired from that job because of his insobriety, Miranda began working as a dishwasher at the Superstition Mining Camp Restaurant. After two weeks there, Miranda left to work at the El Rancho Supermarket's warehouse where he lasted for a few weeks before being fired again. Within a year's time, he had lost three jobs, acquired a family of five to support, and finally found it necessary to keep a job. With that realization, Miranda became a warehouseman at the United Produce Company in August 1962.

"He was one of the best workers I've ever had," said Leo Gartell, the warehouse foreman. "I wish I had a hundred more just like him."

Miranda's tenure at United Produce ended on March 13, 1963, when he was arrested for the rape and kidnapping of Peggy Sue Jones.

The police, at first, did not believe that Peggy had been raped. According to police reports, "there was some indication of lying" on a polygraph exam she took. Furthermore, the police believed that Peggy had lied to them about being a virgin before her encounter with Miranda, because the doctor who performed the post-rape medical examination opined that she was not. Police reports show that detectives entertained the possibility that Peggy had made up the rape story as a cover for consensual acts with her boyfriend. With no other leads to go on, and skeptical of Peggy's credibility, the police did not intend to make this case their top priority.

But Peggy knew her story was real. Still scared a week after the attack, she asked her brother-in-law to meet her at the bus stop so she wouldn't have to walk home alone. While waiting for Peggy's bus to arrive, her brother-in-law noticed an old Packard cruising back and forth at the intersection of Seventh Street and Marlette. When the driver realized he was being watched, he sped off, but not before the brother-in-law copied down the car's license plate number. The next day he called the number in to the police. With no other leads, the police ran a trace on the license number and discovered that the car to which it was registered was a late model Oldsmobile, not an old Packard. However, the brother-in-law was so certain of the first three letters and that the car he saw was, in fact, an old Packard, that the police ran a make on the 1,000 possible vehicles with that three-letter prefix. Among those 1,000 cars, the police found one that was an old Packard. It was registered to Twila Hoffman of Mesa.

On March 13, 1963, Sergeant Carroll Cooley and Detective Bill Young of the Phoenix Police Department went to the Mesa address and learned from neighbors that Twila, and the man with whom she was living, had moved to Phoenix. Cooley and Young next went to the post office and found a change-of-address card indicating that Twila Hoffman and Ernesto Miranda had moved to 2525 W. Mariposa. A check of Mesa Police Department records revealed Miranda's 1956 rape arrest. From there, at 11:30 a.m., the officers went to the Mariposa street address in Phoenix and knocked on the door. They asked Miranda to accompany them Downtown to discuss a case they were investigating.

Two hours later, Miranda gave a handwritten confession, and he did so without first having been told: You have the right to remain silent. Anything you say can be used against you. You have the right to be represented by a lawyer to assist you prior to question-

ing. If you cannot afford a lawyer, one will be appointed for you free-of-charge prior to questioning.

His confession read as follows:

*Seen a girl walking up street
stopped a little ahead of her got
out of car walked towards her grabbed
her by the arm and asked to get in
the car. Got in car without force
tied hands and ankles. Drove away
for a few miles. Stopped asked to
take clothes off. Did not, asked me
to take her back home. I started to
take clothes off her without any
force and with cooperation. Asked
her to lay down and she did.
Could not get penis into vagina
got about (half) inch in. Told
her to get clothes back on. Drove
her home. I couldn't say I was
sorry for what I had done. But asked
her to say a prayer for me. E.A.M.*

Built in 1908, the Arizona State Prison in Florence was – for nine years – the home-away-from-home for No. 27555, Ernesto Arthur Miranda. When I first met Miranda, I found it very hard to imagine that this soft-spoken, gentle, well-groomed fellow was a serial rapist. Although he told me, "I try not to think about it too much," Miranda conceded that he was something of a celebrity in prison. For instance, he told me that one evening, while the inmates of Cellblock 2 were watching a police show, they heard a cop order his partner to read the "Miranda rights" to a just-arrested car thief. Ernie told me that the entire cellblock burst into spontaneous applause.

Yet, that is not to say that Miranda's fellow Florence inmates universally liked him. Quite the opposite was true. The lines of social stratification in prison are clearly drawn. Rapists and child molesters often are singled out for ridicule and harassment, or worse. An inmate who was serving time for vehicular homicide made that point to me. I asked him how the other convicts liked Miranda. He simply said, "He's a rape-o, isn't he?"

Miranda had the annoying habit of bragging about having as his lawyer the legendary John Flynn, who won the case at the Supreme Court, while most of his fellow inmates had been assigned public defenders. Miranda would show his newspaper clippings to anyone who would see them. "He was always talking about Mr. Flynn and what Mr. Flynn had done for him," another inmate told me. It was apparent to anyone who spoke with Miranda that he was very proud of the role he played in helping to shape legal history, and considering what his role was, his pride seemed unwarranted and his role nothing to brag about.

Although he had completed only eighth grade, Miranda earned a GED diploma during his incarceration. He also developed into a first-rate barber. Miranda told me that he would have liked to have gone to college to study social work, or become a barber and men's hairstylist.

In the early 1970s, Miranda became involved with a prison group called the Mexican Unification for Cultural Study. Prison authorities denied the group's demands for permission to wear brown berets, among other requests. In response, Miranda and several other inmates led a sit-down strike and refused to leave their cells. Because of



Ernesto Miranda, the man whose name is synonymous with the celebration of his rights, John Flynn

his role in the strike, Miranda spent 17 days in solitary confinement. "If I can help my brothers," Miranda told the assistant warden upon his release from solitary, "then it was worth it."

Nor did Miranda particularly mind very much being by himself. He once told me he was fond of a little expression he learned: "Solitude is the joy of being alone. Loneliness is the misery of being alone." Miranda added, "I like solitude."

Ernie Miranda became an avid reader during his confinement. He devoured *Time* and *Look* and received a publication titled *Plain Truth*, a religious tract. "I don't know how I ever started getting that one," Miranda said.

For a time he received a Phoenix newspaper called *Bachelor's Beat*, and he read another paper called *Mohammed Speaks*, the organ of the Nation of Islam. Miranda's increased interest in Islam closely paralleled his dissatisfaction with the Catholic Church. The thought of leaving the church in favor of a conversion to Islam had crossed Miranda's mind more than once. Miranda even asked me to get him a copy of the *Koran*, which I did. In any event, Miranda died a Catholic, and his funeral, which I attended, was presided over by a priest who knew Ernie as a boy at the parish parochial school.

"I don't have any resentments," Miranda once told me, but you didn't want to get him started on Twila Hoffman. Alvin Moore, Miranda's original court-appointed lawyer, told me that while Miranda's first appeal was pending in the state court system, Hoffman phoned Moore every day for nearly a month to check on the status of the case. That's how devoted she was to Miranda. Four years later, everything had changed.

As the prosecution was getting ready to retry Miranda in 1967, this time without the aid of the confession he had given to the police, Hoffman came forward and testified that Miranda had confessed to her. Unlike his confession to the police, Miranda's confession to Hoffman was not the product of custodial police interrogation. It was not, therefore, covered by the Supreme Court's ruling,

and her testimony was admissible.

Not even John Flynn could save him. Miranda was once again convicted of the 1963 rape and kidnapping of Peggy Sue Jones and re-sentenced to two 20- to 30-year prison terms. This time around, his conviction stuck.

"What I didn't like was them taking the mother of my daughter and turning her against me," Miranda told me.

Miranda was granted parole in 1974. In July of that year, shortly after getting out of prison, he was stopped by a Tempe police officer for driving on the wrong side of the street. As Miranda recounted for me later when I visited him at the county jail, the officer asked him for his driver's license. Miranda said he didn't have one. The officer then asked to see something with his name on it. Ernie removed a newspaper clipping from his wallet with a headline reading something like, "High Court Frees Miranda," and handed it to the officer, who thereupon searched the car and found a .38 revolver under the driver's seat and some pills in the glove compartment. Back to jail Miranda went.

Miranda's new attorney, Henry Florence, was eventually successful in getting the case thrown out, but Miranda waited for this result in jail for nearly nine months.

Ironically, the only legal benefit Ernesto Miranda ever received from the famous case bearing his name was a new trial that resulted in another conviction. The Supreme Court decision did not occasion his release from prison for even a day. (When the decision came down in 1966, he was also serving a sentence of 20 to 25 years for an unrelated robbery. Eventually, a federal court ordered a new trial in that case as well.)

At Miranda's 1971 retrial for the robbery charge, the name "Ernesto Miranda" was so well known that the prosecution and defense agreed that he would be tried under the pseudonym "Jose Gomez" so the jury would not know his true identity. He was found guilty. At sentencing, Miranda told Maricopa County Superior Court Judge Phillip Marquardt: "The institution cannot do much more for me. I have taken a different outlook on life and have learned something from all this. If the purpose of incarceration is rehabilitation, then the prison can serve no useful purpose for me anymore." Judge Marquardt then re-imposed the original 20- to 25-year sentence.

Perhaps the luckiest break Miranda ever had was the sheer fortuity that his name came alphabetically ahead of his co-petitioners before the Supreme Court: Roy Stewart, Carl Westover and Michael Vignera. The decision, therefore, bore Miranda's name and not that of one of the others. Thanks to his celebrity, Miranda was able to make a few bucks selling autographed Miranda cards — the little white cards police officers read aloud when advising suspects of their rights. They were all the rage with cops and criminal defense lawyers and are true collector's items today.

During one of our last prison visits, Miranda said to me: "I remember once, Mr. Flynn asked me what I was going to do when I get out. I told him I didn't know what I was going to do, but I knew what I was not going to do."

Regrettably, for my friend Ernie Miranda, patronizing the La Amapola Bar was not on the list of things he wouldn't do. When he was stabbed to death there in 1976, 10 years after the Supreme Court famously decided his case, he was only 35 years old.

PM

— Barry G. Silverman is a judge on the United States Court of Appeals for the Ninth Circuit. The opinions expressed in this story are solely his own. He can be reached at phxmag@citieswestpub.com.