

### 5<sup>th</sup> Amendment and questioning

	Right to remain silent	Right to speak to an attorney
<b>How to invoke</b>	Explicit, unambiguous and unequivocal statement Note: Can only be invoked at a time when custodial interrogation is about to take place or is taking place.	
<b>Once invoked, can questioning on same crime recommence?</b>	No	No, unless (1) D later waives right to counsel by reinitiating questioning, or (2) D is released and 14 days pass or (3) D is provided with counsel
<b>Once invoked, can questioning on different crime take place?</b>	Yes, if officers give the D a break, D is re-Mirandized and questions are limited to a different crime	No, unless (1) later waiver of right to counsel by D reinitiating questioning, or (2) D is provided with counsel
<b>Effect of violation</b>	Evidence obtained is inadmissible but a confession may be used to impeach D	
<b>Public safety exception</b>	Interrogation without Miranda is allowed when public safety is involved	