

June 29, 1967



Honorable Gene E. Voigts
Prosecuting Attorney of Clay County
Liberty, Missouri 64068

Re: Advice to Accused Defendant Upon
Arrest for Traffic Violations

Dear Mr. Voigts:

This is in response to your recent request for an opinion concerning the necessity to warn individuals arrested for traffic violations as may or may not be required under *Miranda vs. Arizona*, 384 U.S. 436, with respect to the use at trial of any admissions they may make.

We presume that you refer to the various misdemeanor and felony traffic offenses provided for in the statutes and not to ordinance violations.

We do not regard the law on the subject to have been developed with sufficient clarity to constitute the basis for a reasonable opinion at this time. Nevertheless, some generalizations are possible.

The mere fact that driving is a privilege would not remove the matter from the aegis of the *Miranda* decision. Clearly, the dictates of that decision require that certain formal steps be taken before the product of any accusatory police interrogation may be admitted as evidence at trial.

It may be well to keep in mind that the Supreme Court of Missouri has on at least two occasions made the following observations:

" * * * we do not readily see why the requisites of due process should vary according to the severity of the permissible punishment. * * *" State v. Glenn, 317 SW2d 403, 407.

" * * * we see no readily apparent reason why the minimum standard for due process of law should depend upon the permissible punishment. * * *" State v. Warren, 321 SW2d 705, 709.

Very truly yours,

NORMAN H. ANDERSON
Attorney General