

## WHY YOU ARE READING THIS BOOKLET

You are reading this booklet because you are either already accused of a crime or about to be accused. You need an experienced attorney to help you during this very difficult time for you and your family.

The criminal justice system is not there for your convenience or to exonerate you automatically, facts which are probably already clear to you now. You have a reputation to protect. You should be very concerned about a criminal record appearing during a government employment check and even for most jobs. Finally, there is the threat of a prison confinement of any length. Of critical importance to you is the fact that you have probably have never had a run-in with the law before, except for a traffic summons.

As you read this guidebook, please contact us with any questions you might have. With criminal law matters, having an attorney at your side at the earliest stage of an investigation can really make the difference.



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CRIMINAL LAW AND  
HOW TO AVOID EVEN  
DEEPER TROUBLE  
WITH THE POLICE AND  
THE COURTS.

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This guidebook is for informational purposes only.

Since individual situations and legal issues vary, it is important to contact an attorney to discuss your specific legal situation.

# FIRST THINGS FIRST:

## HOW TO AVOID EVEN DEEPER TROUBLE WITH THE POLICE AND THE COURTS.

Chances are good that you've never been in trouble with the law before, so here are some basic guidelines on how to handle the police.

1. Keep quiet, and try not to say anything except your name and address to the police. They hear "I didn't do it" every day of the year, so it does not impress them. You might defend yourself now, but the statement will be duly recorded and might actually help to convict you later. The police will not forget the statement if it makes the government's case against you and will generally forget the statement if it exonerates you. The only question you should ask is when you can talk to your attorney.

2. Do not react to any search of your car, like flashing your eyes around. Do not give permission to search anything or anyone, as this is not helpful, even if there is nothing to search for. Someone may have left something illegal in your car that you don't know about, and you just gave permission to be charged with another crime.

3. If questioned by the police at home, do not exit the home. Do not invite police in, where they can scan around and make a search and seizure of items they plainly see, and possibly those they do not. They also probably need an arrest warrant to enter your home to arrest you, so politely refuse to leave the house and don't explain why. If arrested outside the home, do not re-enter the home (so they can follow you inside and make a search) and do not run, refuse to be arrested or hassle the police in any way. If arrested outside your car, do not allow a search of the vehicle, which will allow them entry for searches. Do not panic. Watch what you say on the phone, even to relatives and your attorney. Just tell them where you are and reassure them of your safety.

## MISDEMEANORS VERSUS FELONIES

Basically, misdemeanors are less of a crime than felonies, subjecting you to less of a penalty (usually a misdemeanor has a potential prison term of a year or less). But a misdemeanor is still a crime, and it is a grave risk for you to believe that a lawyer is not required for a misdemeanor. Even a misdemeanor is a police record, which will tag along with you for a lifetime. Be careful, especially if an ordinary looking summons or ticket mentions a misdemeanor as part of a "fine" statement. This arises in very ordinary legal problems like a zoning violation, illegal dumping and the like. You might get away with just paying a fine, or you might not.

## COURT PROCEDURES

There are many rules regarding criminal law, and these must be strictly followed. Suffice it to say that you are always brought, one way or another, to a court, to answer the charges before a judge. You may first spend considerable time in a police facility or a prison facility, sometimes called a lock-up. Depending on when you are arrested, you may have to wait a long time to see a judge. During this period, you have hopefully called an attorney and scheduled a meeting with him/her. The attorney will sometimes meet you in the actual courtroom of the judge for the first time. Listen carefully to what he/she says, and enter the plea he/she believes that you should enter before the judge. You should cooperate with your attorney and be helpful only to him/her.

