

WHAT SHOULD I DO?

The most immediate thing to do is remove all contraband and personal items from your person, cars, home, place of business, or any other place where you might be arrested.

However, it is a crime to "alter, destroy, conceal, or remove any record, document or thing with the purpose to impair its verity or availability" if such things are related to the matter for which you think you are about to be arrested.

It is not at all unusual, for arrestees to be charged with possession of contraband, usually drugs, discovered on their person during an arrest or for introducing contraband into the jail if the initial pat down was not sufficiently thorough.

Be prepared to be arrested at your home, place of business, or on the roadside after a traffic stop.

Make arrangements to post a bond, by having sufficient money on hand to pay it in cash or pay a bondsman a fee for posting the bond for you.

Do not try to communicate with or accept any communications, in any form, from any possible victims, witnesses or investigators.

Do not speak with anyone, except your lawyer, about any aspect of your case. With narrow exceptions, anyone can be compelled to testify about any statement you have or may make. Any statement can be misconstrued or misreported to your detriment.

As soon as you suspect you are under investigation for any crime, consult with a local, experienced criminal lawyer familiar with the local players in the judicial system and local law enforcement.

Of course, it is especially unwise to speak to any law enforcement officer about the subject matter of any investigation pending against you. Your failure to speak to law enforcement cannot be used against you, since you have a constitutionally protected right to remain silent.

If you are asked to go down the station to give your side of the story. Decline!! Even innocent, though inaccurate, answers can be construed as lies, especially when the interview is not recorded. An erroneous, faulty recollection can be viewed as deception. Even the failure to strongly deny allegations or treating them as frivolous can be perceived as an admission of guilt.

The later stages of any investigation usually involve an attempt to gain a confession or some incriminating statements from a suspect. You must resist the temptation to try "talk your way out of it." By the time you have the opportunity; nothing you can possibly say will prevent your arrest. Your guilt will have already been unalterably decided to the satisfaction of law enforcement.

Any information you need to reveal can be conveyed through your lawyer or by you at a trial.

If an arrest occurs, be prepared and do not resist. Make no furtive gestures, and prepare to be handcuffed. Any reluctance on your part may result in additional charges and invite a violent response.

If you are inside your residence, in the absence of exigent circumstances, there must be an arrest warrant, signed by a judge, before law enforcement can enter your home without permission to effect an arrest. It is not necessary that the original or a copy of the warrant be in the actual possession of the arresting officers, as long as the warrant was been signed by the judge.

You may be asked to step outside, to avoid the necessity of a warrant. The last thing you want to do is argue the finer points of constitutional law with armed men. If you insist upon a warrant, your house will be surrounded with much fanfare, and the warrant will arrive, along with the SWAT team.

If your handcuffs are placed on too tight, and restrict circulation, ask that they be adjusted to prevent, what can be excruciating pain and permanent injury. Handcuffs can be locked into position to prevent them from being purposely or inadvertently tightened.

When being placed into a car, make sure that you bend your head down as far as you can to avoid having your head slammed against the door frame. Insist on being restrained by a seatbelt. The ride to the jail can involve some unexpectedly wild maneuvers and abrupt stops. The unimpeded collision with the rear cage can be unpleasant.

Expect to be taken to a station or holding facility instead of directly to the county jail. Depending on many factors, most prominently the severity of the offense, you may be taken to an interrogation room.

Do not resist being taken to an interrogation room. The room will invariably be equipped with video which will record every moment while you are in the room, even when the interrogators are absent. Do not pray, talk to yourself, or assume a fetal position!

Announce your unwillingness to speak to anyone about your case without your lawyer being present. It is much more persuasive to have the card of criminal trial lawyer on your person to display to your interrogators when you assert your sincere desire to exercise your right to remain silent.

If you are read Miranda rights, you can acknowledge understanding of those rights. Do not agree to waive your rights and unequivocally refuse to answer any questions, and if presented with a Miranda rights waiver form, write "refused" on the signature line.

It is appropriate to give the usual "booking information," but make sure the standard inquiries do not blossom into an interrogation. It is not uncommon for the question, "Are you interested in knowing what you are being charged with?" to end up in a wide ranging dialogue about the facts of your case.

You want to get to the jail as soon as possible, to appear before a judge and begin to make arrangements to get out of jail. The faster you get to the jail itself, the faster you can get out of jail.

Depending on the notoriety of your case, you may be greeted by television cameras and reporters asking for comments when you arrive at the jail. Do not look directly at the cameras, and do not respond in any way. Avoiding your "15 minutes of fame," will prevent many problems down the road.

WHAT CAN A LAWYER DO BEFORE AN ARREST?

Just a mere consultation with an experienced criminal lawyer will pave the way for the most favorable outcome possible. You will be able to reveal all details about any pending charges to your lawyer and be assured that everything that you say cannot be used against you or revealed in any way without your permission.

A full and candid discussion will allow a knowledgeable lawyer to analyze your situation and formulate the most advantageous course of action for you. You will be able to find out about possible charges, the penalties you face, and what defenses you have.

Using years of experience, a lawyer can identify, gather and preserve favorable evidence before it is lost, destroyed or forgotten.

If an investigation is ongoing your lawyer can, present to law enforcement, information favorable to you without waiving your right to remain silent. By being able to speak through a lawyer, you will not have to be physically present with investigators.

Depending on circumstances, a lawyer can actually

assist law enforcement in deciding the nature and level of offense to charge you with or induce them to decline to charge you with any crime.

An attorney may be able to convince investigators to defer arresting you and, instead, send your case to the State's attorney Office for a filing review, where an Assistant State Attorney can independently evaluate your case and take into consideration the likelihood of successful prosecution.

The State will often welcome input from a defense lawyer, who can encourage the State to make a decision to charge fewer and lesser offenses than are contemplated by law enforcement.

When interfacing with the State, your lawyer can discuss, lawyer to lawyer, the strength of the case against you, the range of possible outcomes at a trial, and problems with the admissibility of evidence key to the successful prosecution of your case.

When appropriate, your lawyer can actually negotiate a favorable plea before the formal charging document is filed.

There are circumstances when it is advisable to have your lawyer arrange for you to speak directly to the prosecuting authorities before you are arrested. It is not uncommon, particularly in federal prosecutions, for an attorney, knowing that there is an ongoing investigation against a client, to arrange for a "proffer" to show what testimony could be offered against co-defendants in exchange for leniency or even immunity. In those circumstances, the lawyer insures that nothing that is revealed can be used against the client in the event there is a subsequent trial.

Often, a lawyer's intervention on a client's behalf early in the process, can eliminate a formal arrest, or if an arrest is inevitable, predetermine the conditions of pre-trial release, such as the bond amount,

If investigators have determined, without input from the prosecutor, that an arrest is warranted, a trusted lawyer can negotiate the time, date, place and circumstances of an arrest with law enforcement. A negotiated surrender can give a client time to arrange for bond and prevent a potentially violent encounter with police.

A surrender at the jail is desirable, because it reduces the likelihood of a coerced interrogation and minimizes the possibility of being paraded in a "perp walk" before television cameras. Arrangements can be made in advance with a bondsman to lessen the time spent in jail before release.

A well planned surrender reduces the time in custody before appearing in front the Judge at First Appearance to ad-

dress the issue of pre-trial release. If a bond has been previously set, a surrender can be timed to avoid peak periods of booking and release activity at the jail, to eliminate hours of waiting to be processed out.

As part of an agreement to surrender a client, a lawyer often insists upon an arrest warrant signed by a judge as a precondition. This is advantageous, because a judge must independently determine whether there is enough evidence to justify the arrest.

If negotiations are not possible or fail, and an unscheduled arrest is inevitable, having a lawyer retained beforehand is very useful. If law enforcement understands that the defendant is represented by a well known criminal defense attorney, the likelihood of being abused in custody or being denied your constitutional right is lessened. The certainty of knowing that a lawsuit will soon follow any police misconduct provides a powerful deterrent.

Those causing your arrest will be more circumspect about their actions, when they recognize the lawyer's name on the card that you give to them when you demand they dial the number printed on it.

If an interrogation is attempted, after you have already retained a lawyer, you must be given the opportunity to speak with that lawyer. Experience teaches that, even if your lawyer appears at the place of an attempted interrogation, his or her efforts to contact you will often be thwarted. An interrogation will be attempted in most cases. But the voluntariness of any statement is called into question, if someone has already hired a lawyer and contact with that lawyer has been impeded.

**CALL US NOW AT 321-269-0606 OR E-MAIL US AT TO ARRANGE
FOR YOUR FREE CASE REVIEW AND EVALUATION.**