

WHAT TO DO IF YOU ARE BEING INVESTIGATED OR FACING ARREST ON CRIMINAL CHARGES (STATE OR FEDERAL)



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When facing arrest on criminal charges, the best advice is (1) be polite and courteous to the law enforcement officers who contact you; and (2) *say and write nothing about the allegations*. Do not resist or argue with the police. Give them your name, address and other identifying information, and insist on talking with your lawyer as soon as possible. Do not discuss the case. Do not attempt to convince the investigating or arresting law enforcement officers of your innocence. In all probability, the arrest will take place regardless of what you say.

Anything you say (or what the police will claim you said) will be included in a report for possible use against you. So, it's best to say nothing. Assume that the arrest will take place, and conduct yourself accordingly.

When investigating you, police or agents

may talk with people who know you, in order to obtain evidence against you. People who you believe are friendly to you may be forced to be witnesses. Anything you say to them can be used as evidence against you.

The way to prove your innocence is by retaining an effective and experienced criminal defense lawyer. Your efforts to help yourself will almost always fail, be harmful and may well undermine the efforts of your criminal defense attorney acting on your behalf.

Criminal law is a very specialized field of law. It is essential that you retain the services of a respected, competent and experienced criminal defense attorney who is equipped to handle your case properly and who is experienced in the court where your case is (i.e., many lawyers don't handle cases in federal court).

The only confidential and *privileged communications* you have regarding your case are with your criminal defense attorney. His or her advice is the only advice you should seek in circumstances relating to your case (not that of police officers, jail officials, federal agents, bondsmen or fellow prisoners).

When you speak with your criminal defense attorney, tell entire truth. Bring subpoenas and other relevant evidence and documents with you.

Police and other law enforcement officials, as well as prosecutors and judges, respect people smart enough to politely assert their constitutional rights to remain silent, decline to consent to a search and insist on contacting counsel.

I hope you will never need to utilize the advice that has been provided in this brief article. If you do, I urge you follow my advice.

Jeff Weiner is a former president of National Association of Criminal Defense Lawyers and of the Florida Criminal Defense Attorneys Association. He is a Fellow of the American Board of Criminal Lawyers and is a Board Certified Criminal Trial Advocate certified by the National Board of Trial Advocacy. Weiner has been a practicing criminal defense attorney since 1974. He has argued trials and appeals throughout the country including, before the United States and Florida Supreme Courts. ↱