

## Question – What should I not do if I am accused?

If you have found out that you're about to be arrested here are ten don'ts.

**Number one**, don't run. You cannot outrun radio cars converging on your position. You cannot outrun the computers that search you down. The idea of the fugitive is pretty much a thing of the past. When you run you also run a risk of being injured because of a forceful arrest. Even worse the police might suspect you have a gun or still this may frighten the officers and cause them to more readily draw their weapons. Don't run.

**Rule number two**, don't explain. It is very difficult to dig client's out of the holes they create for themselves by babbling to the police before they have been asked a single question. Judges and juries always discount what a suspect says that helps him, but gives great weight to anything that hurts him. There is a very good reason why the police have to say "anything you say can be used against you". If you have to say something say-- "I don't want to say anything until I speak to an attorney".

**Rule number three**, don't get over confident. Even if you've been wrongly arrested don't get brash, don't explain, don't get sassy. The police have a lot of input into what charges are brought. The police can write up a minor crime, a misdemeanor or a major crime, a felony and a lot of that may have to do with how you behave when you are with them. The police can pile on charges and later, if you interfere with them, they can ask the prosecutor to be more severe. If the police are just doing their job and you don't cause them added difficulty they just may give you the break that you wouldn't get if you had been more difficult. Just get through it with as little hassle as possible.

**Rule number four**, don't give permission to search anywhere. This applies whether you have anything that you don't want found or nothing, do not give permission to search. If the officer asks to search your person, your bag, your car, your house or apartment it usually means they don't believe they have the right to search and they need your consent. If an officer orders you to turn over your bag or car keys say loudly but in a police manner you do not have my permission to search. When there are possible witnesses nearby this may help your attorney exclude items the officers find from evidence later. Remember the three previous don'ts, even if the officers find something you wish they hadn't -- don't talk, don't explain, don't get sassy.

**Rule number five**, don't look around nervously at the places you don't want the police to search. If you do that will be the first place they do search. If you're being subjected to a legal or even an illegal search, don't help the officers by directing them with your eyes to places you don't want them to look. Don't sign, don't gasp, just look straight ahead or look at the ceiling or the ground. Say nothing and for goodness sake-- don't answer any questions when the officer

goes “hey uh what is this, do you know who this belongs to” , say nothing, just keep your mouth shut.

**Rule number six**, don't resist arrest. Just get through it, don't push the police or try to push their hands away. While resisting may just be a misdemeanor in your state, assaulting an officer or any injury to the police officer may well turn your minor crime into a major felony. Do not resist arrest, just get through it quietly.

**Rule number seven**, don't be a mister or miss congeniality, trying to convince the officers of your innocence is useless. Remember the police only need a reasonable suspicion to stop you and only an idea that it is probable that you have committed some crime – it is called probable cause to arrest . The police don't decide whether you're guilty or not, that's the job of the judge or jury. They'll free you, the judge and the jury, if the officer is wrong. Remember this isn't television. If you try to convince the officer that he's made a mistake, you're going to say something - remember the Miranda Warning –“can and will be used against you in a court of law”.

**Rule number eight**, don't believe what the police tell you when they are trying to get you to talk. Thanks to President Nixon, Reagan and Bush and the folks that they nominated to our Supreme Court, the police are now permitted to lie to you to get you to talk. They make up evidence, they tell you a co-defendant has named you, they say your fingerprints have been found, many different lies and they are allowed to do it. You don't know what's a lie, you don't what's the truth, just keep your mouth shut. Don't believe the police when they are trying to get you talk. Be quiet and wait to speak with your attorney.

**Rule number nine**, don't invite the police inside your home. Don't step outside either. A person's home, no matter how humble, is their castle. Even if the police believe you have committed a felony they most often have to get a warrant to get into your house to arrest you. If they ask you to step outside, don't. Don't make it easy for them. What should you say, how about–“ I'll just stand right here. thank you.” Or “ please let me see your warrant if you have one”. Unless you're running away from them hot after committing a crime, they usually need a warrant to arrest and enter your home. Just stay put, be polite and get through it. When they go to get a warrant you should call your attorney.

**Rule number ten**, don't ask to secure your car or go into your home to get something or to tell your wife. Why, because the police will follow you to your car or inside your home and then will be able to start a warrant less search. Just stay put, be polite and get through it. Let them control what is going to happen, let them arrest you, let them take you down to the police station and bail out. That's all you can do and call your attorney.