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## Know Your Rights: 7 Smart Strategies for Dealing with Criminal Charges

It seemed like it was going to be another normal day... until that unexpected visitor showed up. "Hello. I'm with law enforcement and I need you to come with me," the person says. You feel your throat tighten and your heart starts beating faster. What are you supposed to do? First, take a deep breath and steady yourself. The best course of action right now is to remain calm and consider these seven simple steps that you can take which will improve your outlook should you face criminal charges.

### **Strategy 1: Invoke Your Miranda Rights**

Many times, people aren't aware when they are being charged with a crime. What seemed to be a voluntary "helpful" conversation with investigators turns into handcuffs, or suddenly being entered into the booking process. When approached by law enforcement, immediately ask if you are being charged with a crime. If the answer is no, then you are under no obligation to go anywhere. Take special note of whether or not you have been advised of your Miranda rights, or insist upon having them read to you, or simply invoke them yourself. If you are being charged with a crime, be certain to ask the specific charges of which you are accused. Besides being useful information for you to know, it will be vital information to share with your attorney.

### **Strategy 2: Hire Proper Legal Representation As Soon As Possible**

Proceeding without an attorney often leads to disaster. The process of being charged with a crime is confusing and stressful. And investigators have one top priority - arresting people who have committed crimes. Their actions are designed to assign blame or guilt to a person even before all the evidence is available. Defense attorneys on the other hand work to prove that someone is Not Guilty. The sooner you have someone in your corner working towards that goal, the better you will fare in the long run.

### **Strategy 3: Don't Be Overly Cooperative**

It's human nature to want to clear our own names and act in our own defense. So it's not surprising when people end up allowing searches, investigations, and other law enforcement actions under the guise of "cooperation." Understand this - it is NOT your responsibility to prove your innocence. It is the law's responsibility to prove your guilt. That means they must have proper warrants and sufficient evidence to charge you with a crime. Don't make the mistake of providing the physical or verbal evidence they're searching for because you want to appear helpful. If you're unsure about how to proceed, explain that "you're not comfortable allowing a search or questioning without contacting your attorney," and that you'd prefer they return with a warrant.

#### **Strategy 4: ... But Don't Be Deliberately Evasive Either**

Choosing to remain silent or not subject yourself to questioning without an attorney doesn't mean you have to slam doors in people's faces or make an unplanned trip out of town to avoid contact with law enforcement. In fact, these actions can often place you under greater suspicion as having something to hide. Instead try to adopt a "polite but distant" attitude. Responses such as, "I'm happy to answer your questions as soon as my attorney is present," or "These questions are best addressed to my attorney," or "It is my understanding that you need a warrant to search my home, business, or property. I would have to check any other arrangements for access with my attorney. Thank you for your understanding." Avoid getting emotional as that's an easy way to say or do something that you'll later regret.

#### **Strategy 5: Don't Discuss Your Case with Family and Friends**

Resist the urge to share details of the case with friends, family, and colleagues. You may have a complete understanding of everything going on in your case. You may even feel 100% confident that you'll be cleared of all charges. That doesn't mean that those close to you will have the same level of understanding. Similarly, if you're upset or stressed, you may want to vent to others in order to cope with the strain. In both cases, their recollections of conversations with you can later be used as evidence against you. If they don't know any details, they cannot be compelled to share information with your accusers. And the truth of the matter is that reliving the events over and over again doesn't do you any good. The only person with whom you should be discussing your case is your attorney.

#### **Strategy 6: Don't Assume Anything is Private**

If you should happen to be taken into custody, you may want to phone family members or have a discussion with inmates and/or guards. Even if you are not arrested, do not get in the habit of discussing legal matters or ongoing investigations over the phone with

anyone but your attorney. Conversations that take place in jail or in police precincts are often recorded, and the audio can most definitely be used against you. With a proper warrant, investigators may even be listening to your “personal” phone calls and business phone calls to see if you (or the other party) may discuss information pertinent to the case. The only conversations you can be certain are private are those between you and your attorney (which are protected under law).

### **Strategy 7: Don't Answer Any Questions Without Your Attorney**

Law enforcement is trained to make you uncomfortable. People who are unsure of themselves are easier to manipulate into doing or saying things they otherwise would not do or say. There are many tactics investigators have been trained to use to manipulate you and put you in a talkative state. These include making a room very warm or very cold, delaying trips to the restroom, leaving you alone in a room for long periods of time, playing good cop/bad cop, offering to put in a good word for you with the judge, and many other techniques too numerous to list. Accept that you cannot control what they will do - only how you respond.

Invoke your Miranda right to remain silent and to have an attorney present, and stick to that approach. If you can be consistent and steady in how you handle yourself, you can more effectively manage an otherwise difficult and emotional situation.

Should you find yourself facing criminal charges, we can help! Please contact us today to discuss your options.