



WHAT TO DO AFTER AN ARREST

OUR GUIDE TO MOVING FORWARD

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ABOUT THIS BOOK

This book is intended to cut through the noise. I want to help you determine if you need a lawyer or not. If you need a lawyer, I'll show you how to pick one. If you don't, I'll tell you how to navigate the system.



Odds are you are reading this because you have recently been arrested or you know police are investigating something you allegedly did. It may be the first time you needed a lawyer. You are probably nervous or aggravated (or both) about what comes next.

You may know you need a lawyer, but you aren't sure how to go about hiring one. The decision can be overwhelming. It is hard to filter the real information from the b.s., puffery and scare tactics to find the lawyer you need.

This book is written in a very direct manner. I get right to the point and try to give you the details where needed. It is written to help everyone facing criminal charges and there are a few special sections devoted to DUI cases, since many readers are facing DUI charges and DUI cases have some unique issues.

If you are more of a video person, many of the topics covered here I discuss on some short videos on my youtube page at <https://bit.ly/Densonvideos>. You can find direct links to these videos throughout this guide.

THE FIRST 5 THINGS YOU SHOULD DO WHEN YOU GET OUT OF JAIL

[CLICK HERE TO WATCH THE VIDEO](#)

A quick guide on what to do when you get out of jail (or really, when you are facing any difficult situation). Take a moment and relax, recognize you can't change the past, get a grip on your attitude, make your next best move, and work on establishing balance in your life. You will get through this!

1. LATHER UP BEFORE YOU LAWYER UP

Alright, what is the first thing you want to do when you get out of jail? It is not calling your lawyer. The first thing you want to do is take a shower or bath. Go get the water nice and hot, get lots of soap going. It's germey in those jails. You've got to clean off and you've got to relax a little bit.

So, if you just got out of jail and you're in a panic and you're on the computer or reading this book because you're wondering what to do: Put it down. Go get in the shower, lots of soap, hot water, relax. Then, come back, and we'll tell you what to do next.

Being arrested is a stressful situation and the decisions you make following your arrest are critical. Because of this, I recommend clearing your mind and relaxing before making the decisions that will ultimately shape your future.





2. RECOGNIZE YOU CAN'T CHANGE THE PAST

The second thing you want to do is tell yourself three words: can't change it. I'll give you permission to be mad for five minutes. Then I want you to repeat to yourself: can't change it. Quit looking backward. You may be mad at yourself. You may be mad at the cops. You may realize that you screwed up. You may think that the police made a big mistake. Well, that's all in the past. Spilled milk.

You've got to put it in the past, so tell yourself "can't change it" and start looking forward. After being arrested, it's imperative

that you stay focused on your future. You simply cannot dwell on the past because you can't change whatever's already happened. The only two things you can control now are what you do next and your attitude.

3. CONTROL YOUR ATTITUDE

Recognize that the only thing you can control is your attitude. You can't control the prosecutors. You can't control the system. You can't control the cops. You can't control people making crazy accusations against you. The only thing you can control is



how you react to the situation.

That's a tough thing to do. It's easy to say, it's harder to do. But you need to control your attitude. Don't be mad, don't be angry. Start looking forward. Your attitude defines who you are in the days that follow your arrest. Like we said earlier, you can't control the past so dwelling on what happened will do you absolutely no good. In times of trouble, you must remain calm, focused on moving forward and in control of your attitude.

4. START MOVING FORWARD

What you've got to do next is start moving your case forward. Recognize that hope isn't going to make this situation go away and that wishing is not a defense to your legal situation. You've got to start taking some action now to figure out what comes next in your case and what you can do about it. Doing nothing is not a good option after being arrested. While it's important to remain hopeful: Hope is an attitude, not a strategy. So, when the time is right, take a look at the details and make the best decision for your case without delay.

You need to make a plan and take action. Planning is everything and plans are nothing. You need to both make a plan and act on it, adjusting as you go. Reading this book is a good start. Talking to an attorney is the best next step.

5. CREATE BALANCE

Facing criminal charges can be a long process. You need balance in your life to handle the pressures. You cannot just dwell on the problem. Make sure you are getting some exercise. And if you are feeling anxious about your situation, talk to a lawyer, counselor or clergy.

Following the steps above will help through the process. Relax, control your attitude and start moving forward. All of these steps work together. Like a bicycle, moving forward creates balance. You can watch a few very short videos on these tips at <https://bit.ly/first5things> .

Now it is time to plan your next move. Depending on the charge and your situation the next step to consider is whether hiring an attorney is the right next step for you.

If you are facing a DUI charge, please read the next chapter first. If you have a different type of case you can skip the next chapter.

3 THINGS TO DO IN THE 10 DAYS FOLLOWING YOUR DUI ARREST

First, take a moment and gather your thoughts and paperwork. Don't let your arrest overwhelm you. (I know this is easier said than done. If you are struggling with this, re-read the Introduction.)

With DUI cases there is a lot to organize and keep track of. Get yourself a folder and pull all your paperwork together. You will need your ticket and arrest affidavit for the DMV. A pad to keep notes on is also helpful.

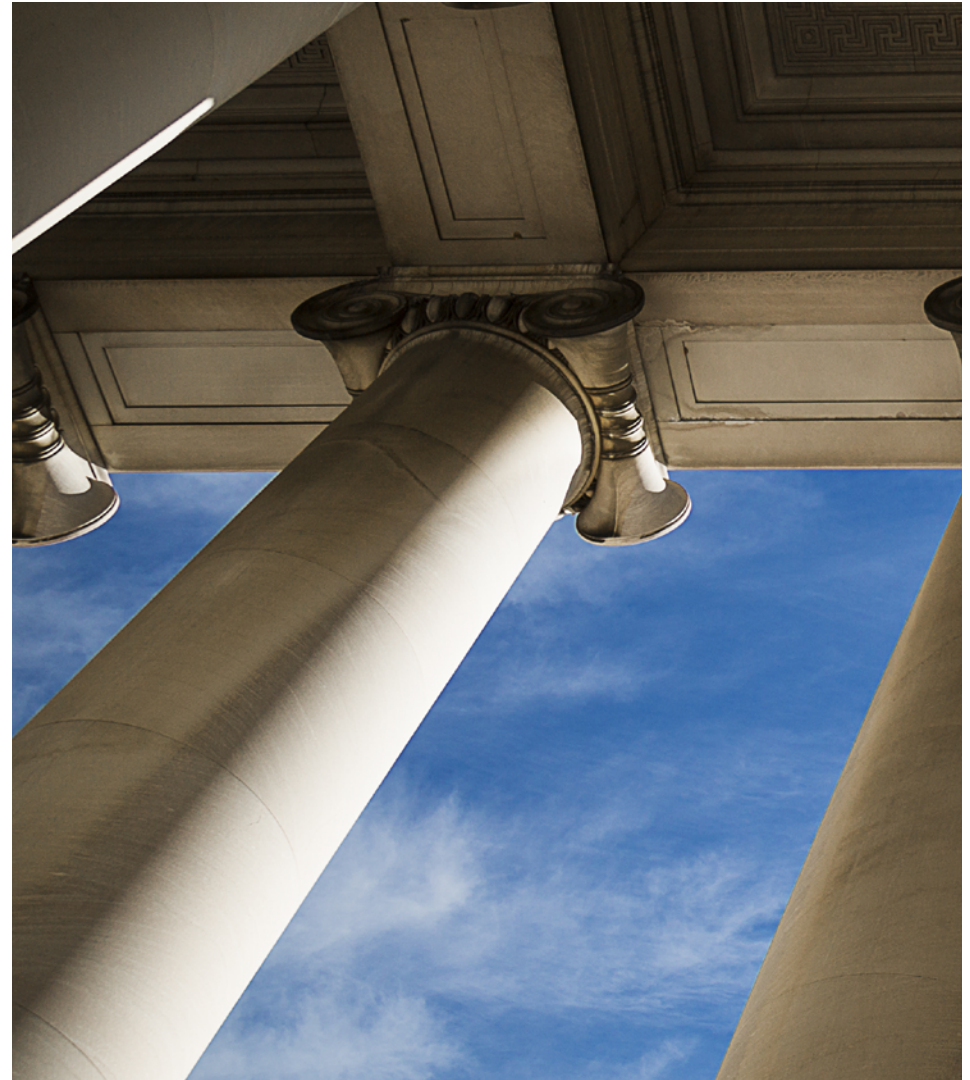
There are many steps, but there is a process and the steps are manageable. Stay calm and collected, because you will soon be making several important decisions.

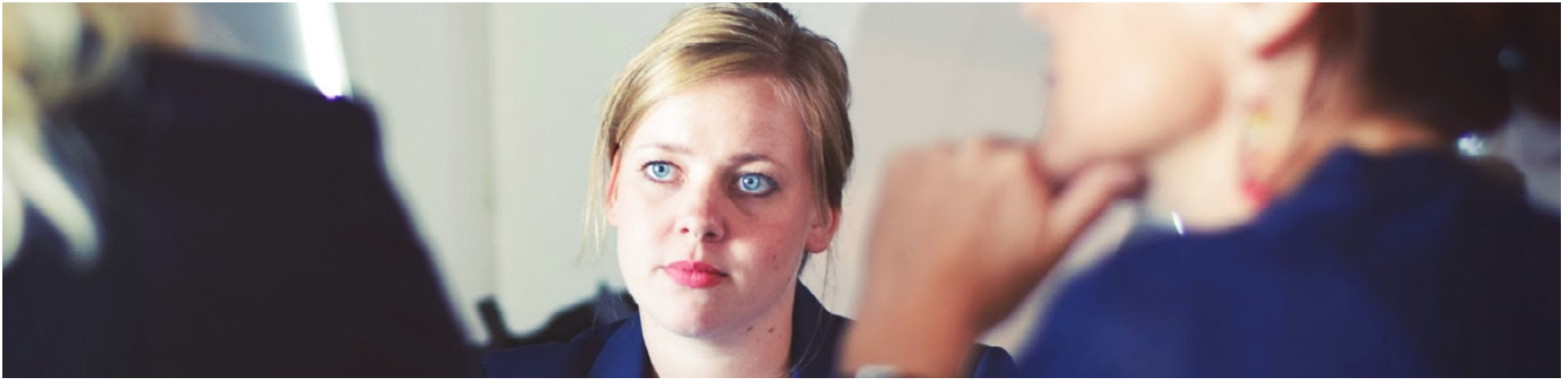
Next, you need to make an immediate decision to request or waive a hearing with the DMV. You have only 10 DAYS from the day after your arrest request or waive a DMV hearing. If you do nothing, your license will be suspended. For a deeper look at this decision, you can watch a short video at

Website www.thedensonfirm.com/license

Password densonDUI

The decision to request or waive the hearing should be made only after consulting with an attorney about the best course of action for you. This may be the most important decision you make in the defense of your case.





Third, be proactive. Schedule a free consultation. Click here to schedule a call or meeting - <https://densonschedule.as.me>. I will answer your questions about your license and the potential consequences you face. I will walk you through each step in the process, tell you what comes next, and explain how I can help you. Taking control of your case early may help avoid the State controlling your case later. There are things you can do now that will save you money and time in the future. Here are a few other things you may want to consider and take action on:

Preserve evidence and gather witness information. You should make a note of what and when you ate and drank while it's still fresh in your mind. Your alcohol level may have been lower at the time of driving than when tested.

Review the privacy settings on your social media accounts. Prosecutors may try to view your Facebook, Twitter, and online photo accounts.

Document your medical conditions or physical injuries. If you

have any injuries, disorders, or medications that may have affected your ability to pass the field sobriety tests, you need to gather proof as soon as possible.

This process is likely to take longer than you anticipate. However, by starting early, we can get you on the right track and begin to put this behind you. The resolution of your case is too important to delay. Let us help.

SIDEBAR | POTENTIAL PENALTIES FOR DUI IN FLORIDA

There are a lot of websites out there telling you about the potential penalties for DUI. And I know that you are worried about the potential penalties you are facing. However, there are two better questions to ask now.

Other firms post the potential penalties for DUI because those penalties are intimidating. They want to scare you into hiring them.

Jail on a first time misdemeanor offense? That is frightening!

Is it possible? Yes. But does it happen? Rarely. Stop worrying about going to jail. And don't hire an attorney based on scare tactics. The better questions are,

What does the judge assigned to your case routinely sentence people in your situation to? And, What can I do now to put myself in a better situation when I go to court?

There are some differences between judges in different jurisdictions. And there are some things to do before court that some judges appreciate. So instead of looking at potential penalties, get to know the likely sentences and how you can best position yourself.

CONSIDER HIRING PROFESSIONAL HELP

Any trip to the courthouse is serious. If you didn't think your situation was serious you would not have read this far.

I think to answer the question, "Should I hire a lawyer?", you should ask yourself if the outcome of the case will make a difference to you. Now, if the outcome of the case is not going to have any effect on you, long-term or short-term, you may not need a lawyer. You can go to court, take what is given to you and move along.

But if you have a professional license (or plan to obtain one), are considering changing jobs, applying for school, applying

for a loan, volunteering at your kid's school, renting or buying property, or you are planning on doing any of the other countless things which now require a background check, it makes sense to hire a lawyer.

The process is easier than you think. A consultation is free and without obligation. It is so easy you can schedule a call or meeting in 1 minute by clicking here - <https://densonschedule.as.me>

One of the immediate benefits of hiring an attorney is you will not even have to attend the first court date! We take care of that for you.

Second, you will know that your case is being handled the right way and everything is being done to put you in the best position going forward.

Third, we do all the talking in court. And if you do have to talk, we will get you prepared and be there with you to walk you through it.

Another way to think about it is this, one day the case will be done. Are you going to be comfortable knowing you did all that you could do, to resolve it in the best way possible for your future.



SIDEBAR | YOUR TIME HAS VALUE

Consider your options:

You spend an hour with me. I explain the process to you, answer your questions, manage the course of your case and cover the Arraignment for you. You make a trip to the DMV for your license, and at most one trip to the courthouse in a few months to resolve your case.

OR, You spend a few hours on the internet trying to figure everything out. You have to make 2 trips to the DMV because they needed something you didn't know you needed. You go to

the Arraignment and wait a few hours for the judge to call your case. Maybe it resolves then, and maybe not and you have to come back.

Your time has value. When you hire us, you are not just gaining our knowledge and experience. You are getting your time back. We make sure to minimize your trips to the courthouse. We make sure things are done right the first time so you don't have to do things twice. We eliminate the research and guesswork.

If we can limit your time in court or shorten the length of your probation, how much is that worth to you?

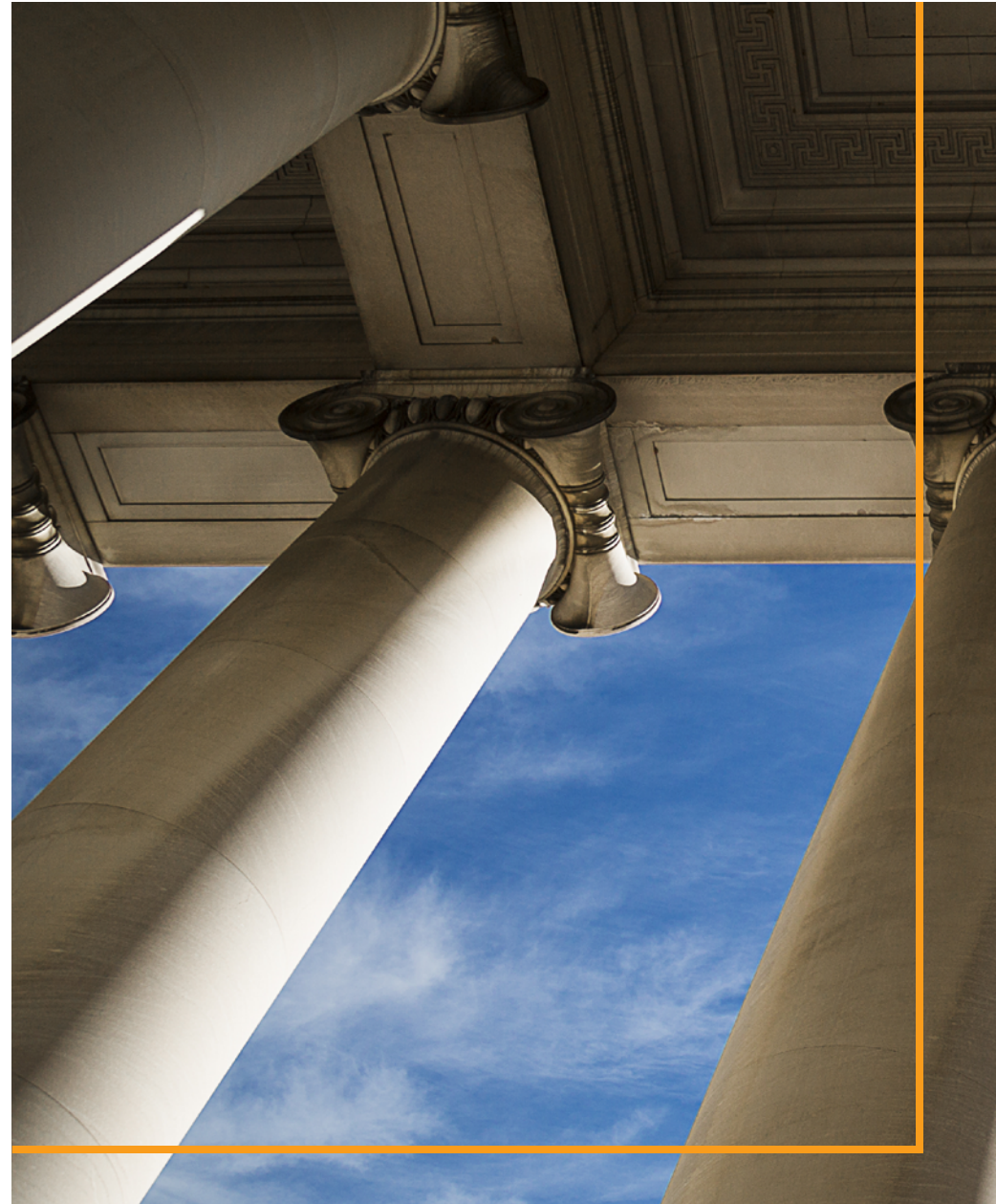
SHOULD I HIRE AN ATTORNEY BEFORE I AM CHARGED WITH A CRIME?

[CLICK HERE TO WATCH THE VIDEO](#)

I am often asked by potential clients if they should hire me before they are arrested or before their first court date. Many times clients know that an accusation is being made against them or police are doing an investigation. The question is, do you need a lawyer if you have not yet been arrested. The answer to this is definitely, YES. This may be the most critical point in the case against you. All cases start off as investigations by the police department who then either make an arrest or turn over their report to the State Attorney's Office. We refer to this as the "pre-filing" stage of the case against you.

During this time critical decisions are being made about your case and often we can influence that decision. Rather than simply waiting to see if criminal charges are going to be filed, it is in your best interest to hire an attorney to see if we can prevent any charge from being filed, or if charges are going to be filed, that perhaps a lesser included offense be charged. A proactive approach can make a huge difference in the outcome of the case.

Sometimes people believe that hiring an attorney will just make the police or prosecutors believe they are guilty. That is not true. Prosecutors and police officers are professionals and are accustomed to dealing with attorneys in a wide variety of





circumstances. Experienced prosecutors will acknowledge that the best way for them to make the right decision on a case is to have all of the important facts presented to them while investigating the case. A seasoned criminal defense lawyer can assist you in how to best present your side of the case to the State. If the prosecutor is only getting one side of the story, they may make a poor decision that makes a bigger problem for you down the road. That is why it is important to get a criminal defense attorney involved early in your case.

We have handled a wide variety of cases where our pre-filing investigation and representation has prevented charges from being filed. We have also been able to convince prosecutors to file lesser charges or negotiate dispositions prior to filing, much to the benefit of our clients. The old saying, “An ounce of prevention is worth a pound of cure,” is certainly true when it comes to your reputation and liberty. Hope is not a strategy and wishing is not a defense. If you or family members are being investigated by police, please give us a call today so that we can start immediately working on your behalf.

SIDEBAR | BEING PROACTIVE

Hiring a lawyer early is not the only thing you can do now. Get started now on the likely conditions of probation before ordered. Now, while your case is pending, is a great time to get started on the things the judge is likely to order you do anyway. This may help shorten the length of your probation. Being proactive will let the judge, prosecutor and probation officer know you are taking this seriously and it could help with sentencing.

For example, if you are facing a DUI charge, you might want to get signed up for DUI school, take some alcohol classes, and do some community service.

With any charge you are facing you should also start saving some money to pay your fines. We can advise you about the expected fines and conditions of probation and get you started on the right path.

HOW MUCH DOES THE RIGHT ATTORNEY COST?

Let's talk about attorneys fees.

Like your doctor, dentist, plumber, barber/hairdresser, or other professional in your life, lawyers charge for their services. And like those professionals, you should be able to find one you can afford and that you trust.

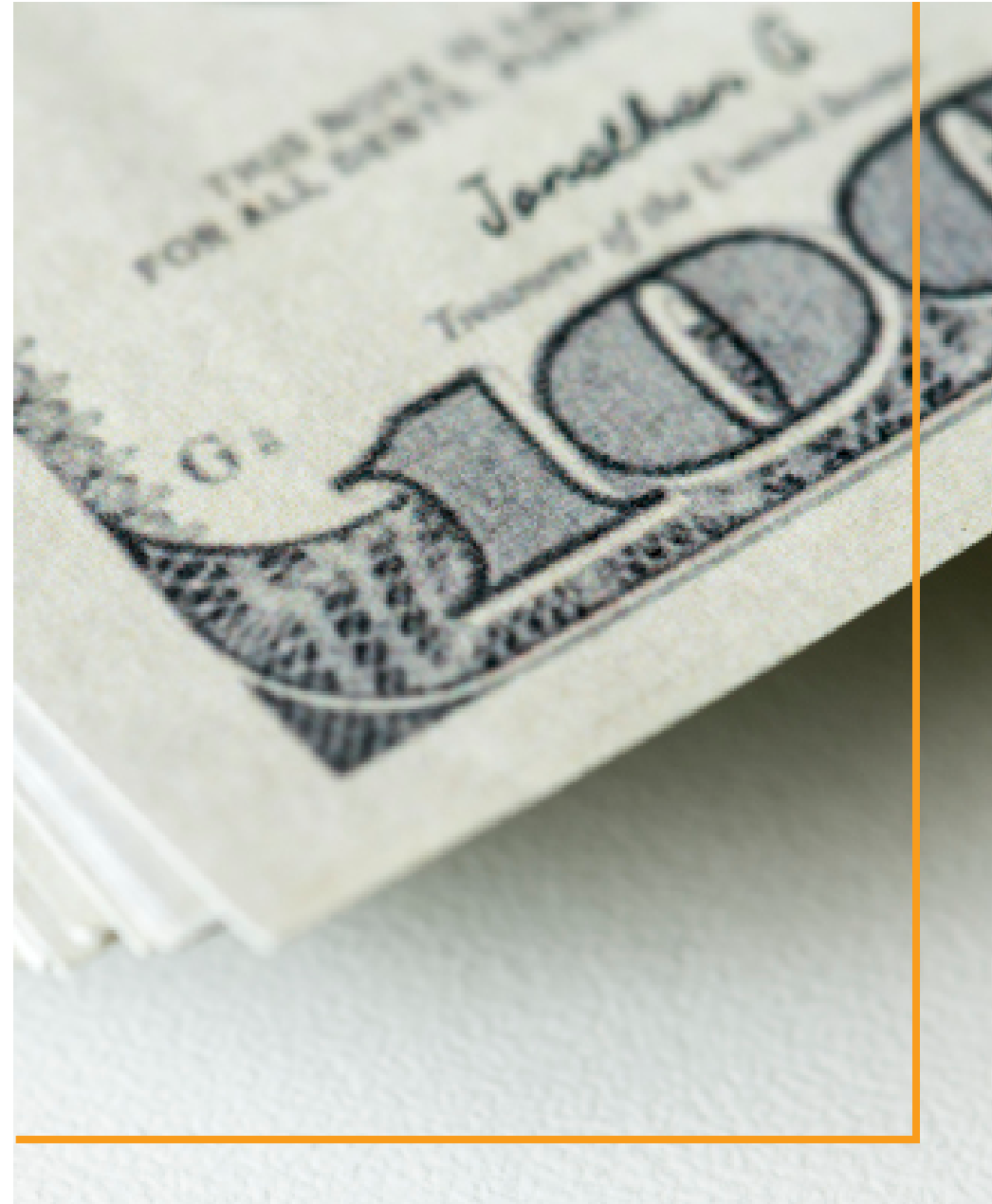
It is likely your legal situation will have long-term consequences. Expect that good representation will cost money. A lawyer's time and advice can be expensive because they are worth it.

If how the case is resolved doesn't really matter to you, you don't need to spend money on a lawyer.

However, if the outcome is important, you are going to need to spend some money. If the outcome of the case might impact on your profession, reputation or family, it is worth hiring an attorney.

Don't hire a lawyer based on price. The adage, "You get what you pay for," is as true for lawyers as it is anything else in life. If not more so. A bargain lawyer is not always a bargain in the long run.

Criminal defense lawyers usually charge flat fees. That means you agree on the amount of the fee to pay, and that's it. There is no hourly billing. You do not need to worry about having your



bill run up. You don't have to worry about calling your lawyer because you are going to be charged for the time of the call. You know how much representation costs from the beginning.

A FEW DON'TS.

Don't be intimidated to talk about how the fees work. Fees should be simple and straightforward. If you are not comfortable with the retainer agreement, let the attorney know and see if there is an alternative.

Don't pay a trial fee unless your case gets set for trial. Less than 3% of cases go to trial, so it doesn't make sense to pay for that in advance. Let's see if we can get your case dismissed, reduced or negotiated to a disposition you are happy with before we set your case for trial and charge you the trial fee.

Don't start your consultation with a lawyer by asking how much they charge. We need to learn about you, your case and what you want to accomplish before we can quote a fee. Every client and case is unique, and while an experienced attorney has a good idea of what the fee will be, it may be a little less or more depending on the client and facts. After talking about your case and the lawyer's approach and process, then ask about the fee.

Don't negotiate the fee. Lawyers set their fees based on what they anticipate the work being. You have a problem and they are charging you what they anticipate it will take to fix that

problem. You want your attorney to be in position to fix your whole problem, not some percentage of your problem.

The nice thing about flat fee agreements with criminal defense attorneys is it takes the money out of the equation at the beginning and lets you focus on the real issue- resolution of your case in the way that is best for you.

SIDEBAR

Oftentimes spending money up front on an attorney can save you money in the long run. Attorneys are often able to get fines reduced or probation shortened which save money. Attorneys can steer you to lowest cost alternatives for counseling and conditions of probation. We can provide guidance on insurance and other costs.

YOUR WORST CASE SCENARIO (AND WHY YOU SHOULD IGNORE IT)

A common question clients have is, “What is the worst that can happen to me?”



Since I believe in clear direct communication, I am going to answer that question. But I am also going to tell you to ignore the answer. The worst is not likely to happen. There is hope!

After an arrest you may be feeling your luck has run out and you start thinking the worst is going to continue to happen to you at the courthouse. Let me give you some good news. The worst is NOT going to happen to you. Unless you have a lengthy criminal record, you killed or seriously hurt someone, or you lie to the judge, you are going to have some options.

At this early point in your case it is best to think of the resolu-

tion in terms of a bracket. There are a range of potential outcomes. And like most things that have a range, possibilities in the middle are the most likely, and worst/best case scenarios are less likely.

So, to answer your question, “What is the worst that can happen to me?” Most criminal charges carry the potential of jail. However, if this is a first offense and you didn’t injure or kill anyone, it is highly unlikely you are going to jail. And there are things we can do now to minimize the consequences. When I say consequences, I mean probation, fines, classes, community service and license suspensions. I would counsel you to hope for the best, but to start preparing yourself to deal with this potential outcome. Again, we can help you with this now.

On the better end of outcomes it may be possible for us to get the state to agree to reduce the charges in your case. For example, it may be possible to have the State agree to reduce a DUI case to Reckless Driving. Because of the positive impact of this on your record we will give any option to have your case reduced serious consideration.

Finally, it may be possible to have your case dropped by the State or dismissed by the Court. This would be the best possible outcome. Statistically, dismissal is not likely, but again,



we will take any shot we have at making this happen. We can only make this determination after completing Discovery and given the impact a criminal charge has on your record it may make sense to take this shot, even if it is a small one.

SIDEBAR

The stories you see online or in the media about cases similar to yours are usually there because something is unusual (or newsworthy) about them. Your case is not likely to follow the same path a story that makes a media splash takes. And that is true of particularly good and bad outcomes.

Celebrities often get favorable treatment. And sometimes someone will get a particularly harsh sentence that makes the news. Neither of these things are right, but they are the outliers. Do not focus on other cases. You need to focus on your case, your judge, your prosecutor to get the best result.

Also, your case is not likely to be in the media. It is only high profile cases that make the paper or internet these days. If you are worried about how you look in Google searches or your mugshot online, please see the section at the end of the book on what to do after your case is resolved.

FOLLOW ALL COURT ORDERS WHILE THE CASE IS PENDING

Release from jail, on bond or on your recognizance, may have conditions imposed by the judge.

If you were arrested for DUI it is likely you have no alcohol restriction as a condition of your release, or perhaps an ankle monitor. Domestic Battery charges usually have a No Contact Order as a condition of release. It is important that you comply with any order, and it may be in your best interest to move the court to get that condition dropped.

When the court is releasing a person from jail after an arrest the judge can impose conditions that it deems appropriate to protect the public. These conditions are usually in the form restricting alcohol or contact with other people or places.

No alcohol means no alcohol. Period.

Ankle monitors are very sensitive and they will alert of any consumption (or tampering!) so don't drink. Period.

"No contact" means no contact. Period. You cannot see them in person, go to the house (even if it is your residence), call them on the phone, text message them, etc. You cannot contact them through a third party. Do not tell your friend to give them a message. Even if your accuser attempts to contact you, do NOT respond. The court's order is against you, and if you violate it, you are the one who will suffer the consequences.



WHAT HAPPENS IF YOU VIOLATE AN ORDER?

A pretrial release order is a direct order from the judge. If you disobey the court's order, do not expect things to go well when you see the judge. You will likely be held in jail without bond as the court will reason if you can't follow orders while out, we will just keep you in jail.

Also, you may face additional charges for the violation, making it more difficult to resolve your case. So, follow the court's order, and you may want to move the court to get the condition lifted ASAP.

HOW DO YOU LIFT A PRETRIAL RELEASE ORDER?

The conditions of your release can be modified by the court at any time. We would need to file a motion with the court and have it heard by the judge. Because of the time needed to prepare and file the motion, and then to get a hearing date, it is recommended to start as soon as possible. There needs to be a reason for lifting or modifying the order, and we can help with that.

SIDEBAR

SPECIAL NOTE ON ANKLE MONITORS: Yes, they are a pain and they are uncomfortable. I know they are expensive. But, they can be good in the long run. Often showing a judge you can



maintain 30 days of sobriety (or more) will give the court confidence to give you a lesser sentence. I usually recommend making a motion at the 30 day mark to remove the monitor.

YOUR FIRST COURT APPEARANCE

[CLICK HERE TO WATCH THE VIDEO](#)

I would like to take some of the worry out of your first court appearance. Odds are that you haven't been to court before and you have some anxiety about what will happen. We all get nervous when doing something new. Whether you are going alone or with a lawyer, this short guide is here to relieve some of that stress and get you prepared for court.

BE ON TIME

My first recommendation to you is to get to court early. Way early! Plan on arriving 30-45 minutes before court is scheduled to start. This will give you adequate time to park, get through security and find your courtroom.

There is nothing to get you off to a bad start with the judge like running late. It never fails if you are running late that there will be a problem with parking, or the metal detector will be slow, or you can't find the right courtroom. Some judges can be very quick to issue a warrant!

Arriving early and sitting up front shows the judge you are taking the matter seriously. Arriving early shows you have respect for the court and the judge's time.

The other benefit of arriving early is you have a moment to



gather yourself and focus. Try to sit comfortably, pull your shoulders back and listen to what is going on around you. It is unlikely the prosecutor will talk to you before court starts (as the private attorneys usually have their attention) but you may pick up something that will help you with your case.

Be patient for your case to be called. The court usually handles cases with private attorneys first. Again, watch how those attorneys talk to the judge and handle their cases. Next the Public Defender will handle their cases and then the judge will get to the cases without lawyers.

Be ready for the judge to call your name. Get up immediately and follow the instructions of the court and the bailiffs. Stand up straight at the lectern. Don't lean on it and keep your hands out of your pockets.

And while this may be difficult, think about positive things. Having a positive mindset will help with your first impression on the judge.

DRESS APPROPRIATELY

The Judge is going to make an assessment of you within 7 seconds after your case is called. Right or wrong, that is going to happen. People are hardwired, by evolution, to make a judgment call about others in a split second. Cavemen had to decide, even before language was invented, is this other per-

son a friend or enemy? Cavemen who did not make that quick decision were weeded out from the gene pool. While you might have a great argument to make about your case, you need to get things started the right way before you even open your mouth.

So, how do you influence the judge in the first 7 seconds? I think of my physical appearance as my first exhibit. I want to make sure I put forth to the judge a presentation that is focused and credible. I know part of that presentation is going to happen before I start talking. You should think the same way and start planning now.

You can dress to win your case. Researchers call this "sartorial manipulation," and it can literally get you a better outcome. This is not my opinion, this has been scientifically proven.

Researchers dressed test subjects in a variety of clothing - from tracksuits to business suits - and had them engage in negotiations with another subject unaware of the wardrobe manipulation. Not surprisingly, wearing a business suit facilitated greater profits and concessions than sweatpants.

So, simply wearing a business suit to court may produce a better outcome. And certainly sweatpants are to be avoided!

Consider the reality of the judge. By design, they start knowing very little about your case. Once your case is called, it will be a

very short time until they know they need to make some sort of decision. What are they doing during this very brief time? They are reviewing the charges, listening to the prosecutor and consciously or not, they are sizing you up. They are going to make a lot of their mind up based on looks, way before getting to the facts.

HERE ARE A FEW BASIC WAYS FOR YOU TO FEEL PREPARED AND COMFORTABLE IN THE COURTROOM.

1. Attend to your personal grooming. Get a haircut, keep your nails trimmed, brush your teeth and don't be afraid of soap. Oftentimes courtrooms bring us in close contact. Bad breath or body odor is not the impression you want to make.
2. Go light on the jewelry. You will never make a mistake by wearing too little jewelry. Avoid anything that jingles or clanks on the lectern. (I like to wear cufflinks, but I don't at trial for this reason.) Jewelry should not be distracting. Note: Wedding bands are a symbol of stability. Pinky rings on the other hand should be avoided. Toe rings? Never.
3. Wear makeup, but not too much. Studies indicate that women who wear makeup are rated higher in trustworthiness and competence. However, testing showed the highest contrast makeup decreased rankings of trustworthiness.
4. Make fit and comfort a priority. There is nothing that will make you feel more comfortable in the courtroom than a prop-

erly fitting suit. And if you can't get a suit that fits well, don't panic. Judges will appreciate your best effort to dress appropriately—a shirt with a collar, long pants and your best shoes are fine.

5. Keep it clean. Make sure your shoes are shined and your clothing is pressed. This signals to the judge that you are taking this seriously.
6. Forego making a fashion statement. Your first court appearance isn't the time to "express yourself" through your personal presentation. I have had more than one client become defensive when I've suggested tattoos be covered, facial hair be shaved or a fashion forward designer suit be exchanged for a more conservative color and cut. You want the judge to focus on your testimony and the facts of your case with minimal distraction. Aim for a just above average look that conveys that you know what you are doing. That first impression is critical.
7. Shoes are important. Shoes are the one piece of clothing that change the wearer physically. By adjusting your height and stance, shoes put you in a physically different position and affect your psychological position as well.

Shoes are also the piece of clothing that can make you most uncomfortable. Poor fitting or poorly made shoes make you uncomfortable, and when you're uncomfortable it shows. You fidget, you walk funny, you're distracted, you frequently switch positions when standing, and you give non-verbal signals that



others pick up. Unfortunately, these are the same signals that liars put out. How is a judge to know if you're lying or merely wearing uncomfortable shoes?

Buy the best pair of shoes you can afford, and make sure they fit you properly. Keep them polished and in good condition. It will send the right message to everyone in the court.

Your choice of clothing is going to talk before you do. A first impression is going to happen before you open your mouth. Humans had to evaluate other humans before there was lan-

guage, and we're wired to quickly judge others based on appearance and circumstances. Dressing consistent with local dress codes will keep you out of trouble.

What we wear does influence our perception of each other and the way we see ourselves. Substance will always win over style. But don't leave that to chance. So many aspects of our appearance can be shaped for maximum impact in court. For the best outcome you must seize those opportunities.

CHOOSE YOUR WORDS WISELY

OK. So you have gotten yourself dressed appropriately. You arrived at the courthouse early. You have patiently watched and waited. Now your case is being called and the judge is talking to you. How do you respond?

Most likely, you are going to see a few cases get handled before yours is called. Listen to the questions the judge has about those cases and be ready to answer. Listen to how the attorneys in the courtroom address the judge. Prepare before you come to court, and modify your approach based on how you see the judge conducting business.

Remember that everything you say is on the record! Be careful not to confess or damage your case.

Talk directly to the judge, not the prosecutor. Speak loud, clear and slowly. DO NOT TALK OVER THE JUDGE or anyone else. Let the judge finish their sentence. Don't argue. Don't try to be funny. Don't ramble. Breathe.

Address the court as, "Your Honor".

"Yes, sir" or "No Ma'am" may be acceptable to some courts. But if you do not know the judge, be formal and polite. Follow any direction the bailiff gives you.

Always mind your manners and keep your emotions in check. If things are not going your way, acting out or making a scene are not going to make things better. Keep your composure and watch your body language. As we discussed earlier, control your attitude.

Even with all of the best preparation you may well feel nervous and pressured. If you don't fully understand what is going on in the courtroom or you need more time to consider your options, ask the judge if you can have a few weeks to think about it.

If you have hired a lawyer, usually they do all the talking, so you will not need to worry about this. And if you are going to be speaking in court, we will have prepared you for what you need to say.

WHAT YOU NEED TO KNOW ABOUT YOUR PLEA AND THE SENTENCE

There are two things that happen when you enter a plea and are sentenced.

There is what you do (the Plea), and there is what the judge does (the Sentence). While what you do is meaningful, what the judge does is far more important. Even if you cannot get your case dismissed, you still might be able to avoid being convicted.

THE PLEA

There are only three pleas in criminal court:

- **Not Guilty**
- **Guilty**
- **No Contest**

A plea of Not Guilty denies the charges. It is the plea we originally enter for you so we can look at the evidence and decide if sentence negotiations, motions, or a trial are in your best interest. If you want to fight the charges against you, enter a Not Guilty plea. Unless you later change your plea to Guilty or No Contest, eventually a trial will be set.

A plea of Guilty admits the factual allegations against you. After



entering a Guilty plea the court can proceed to sentencing. On some occasions the court or the prosecutor will require a guilty plea and want you to acknowledge your wrongdoing.

A No Contest plea does not admit the allegations, and it does not deny the allegations. Often, if there is a concern about civil liability or someone using a Guilty plea against you, a No Contest plea can be used to resolve the criminal case. Once you enter a No Contest plea the judge can sentence you for the offense. Not all judges will accept No Contest pleas and some prosecutors require Guilty pleas. Sometimes you may hear this plea referred to as a plea of Nolo Contendere.

THE SENTENCE

After you enter a plea of Guilty or No Contest then it is the judge's turn. The Court must either Adjudicate you Guilty or it can Withhold Adjudication.

An Adjudication of Guilt is a formal finding by the court that you committed the offense. It is a conviction.

Alternatively, the Court can Withhold Adjudication and sentence you without a formal finding of guilt. If adjudication is withheld you are not convicted of the offense. It is an excellent resolution for several reasons.

In addition to avoiding the stigma of a criminal conviction, many charges can be sealed if adjudication is withheld. Also, with a

Withhold of Adjudication you can deny being convicted of the offense. It will preserve your right to vote and carry a gun. Withholding adjudication will minimize the impact an arrest can have on your credit or ability to rent an apartment. A withhold of adjudication may also help you avoid a suspension of your driver's license in some cases.

Because of the impact the adjudication of a criminal case can have on your future, give us a call to discuss a possible disposition that puts you in the best position going forward. A good resolution does not necessarily involve trial or extensive litigation. We are often able to resolve cases without a conviction even when the case against you is strong.

SIDEBAR | TRIAL

It is way too early to be worried about a trial. At the same time, I am always looking at a case and considering the likelihood of prevailing at trial.

Why should you not worry? Because less than 3% of cases go to trial. The chance that your case goes to trial is slim. There is a 97%+ chance that your case is resolved by a plea, motion, Pretrial Intervention, or some way other than trial.

If that is true, why do attorneys look at the case through the lens of a jury trial? Because that drives much of what we do. If we think it is one of those cases that can be won at trial, there are decisions to be made in the defense of the case. If we look

and know this is a case that is unlikely to be won at trial, there are other avenues that need to be explored.

SIDEBAR | THE ART OF APOLOGY IN CRIMINAL CASES

The value of a well-stated, timely apology is vastly underestimated by most defendants and by many counsel.

The apology should be thought out in advance and written down. Unplanned and improvised apologies will go wrong. I have seen ad libbed apologies first hand and they can quickly make your case much worse. Plan it out. Put it in writing even if you are planning on giving it orally in court.

It must be in your own words and it must be sincere. Some direction, review and light editing by counsel is appropriate. But, for an apology to be effective it must be authentic. If you are not sorry, or if the attorney writes the apology, it will ring hollow. People (and especially judges) know when someone is truly sorry for their actions or just sorry they got caught.

It should start with absolute ownership. Take full responsibility and state specifically what you did. Don't shade it. Don't implicate anyone else. Don't attempt to justify it in any way.

Acknowledge the harm done. Acknowledge the specific people harmed. Address them directly.

Express remorse. Accept responsibility and recognize the con-

sequences for your actions.

When and where to apologize is going to vary widely based on facts and circumstances. Sometimes that early apology can start the road to a better outcome. Other times it is best to wait until later in the case. It is best to get a lawyer's advice on this so that you do not miss an opportunity or jeopardize your defense.

Consider this written apology in the 2019 college admissions scandal if you need some direction:

"I am in full acceptance of my guilt, and with deep regret and shame over what I have done, I accept full responsibility for my actions and will accept the consequences that stem from those actions. I am ashamed of the pain I have caused my daughter, my family, my friends, my colleagues and the educational community. I want to apologize to them and, especially, I want to apologize to the students who work hard every day to get into college, and their parents who make tremendous sacrifices to support their children and do so honestly. My daughter knew absolutely nothing about my actions, and my misguided and profoundly wrong way, I have betrayed her."

HOW NOT TO HIRE A CRIMINAL DEFENSE LAWYER

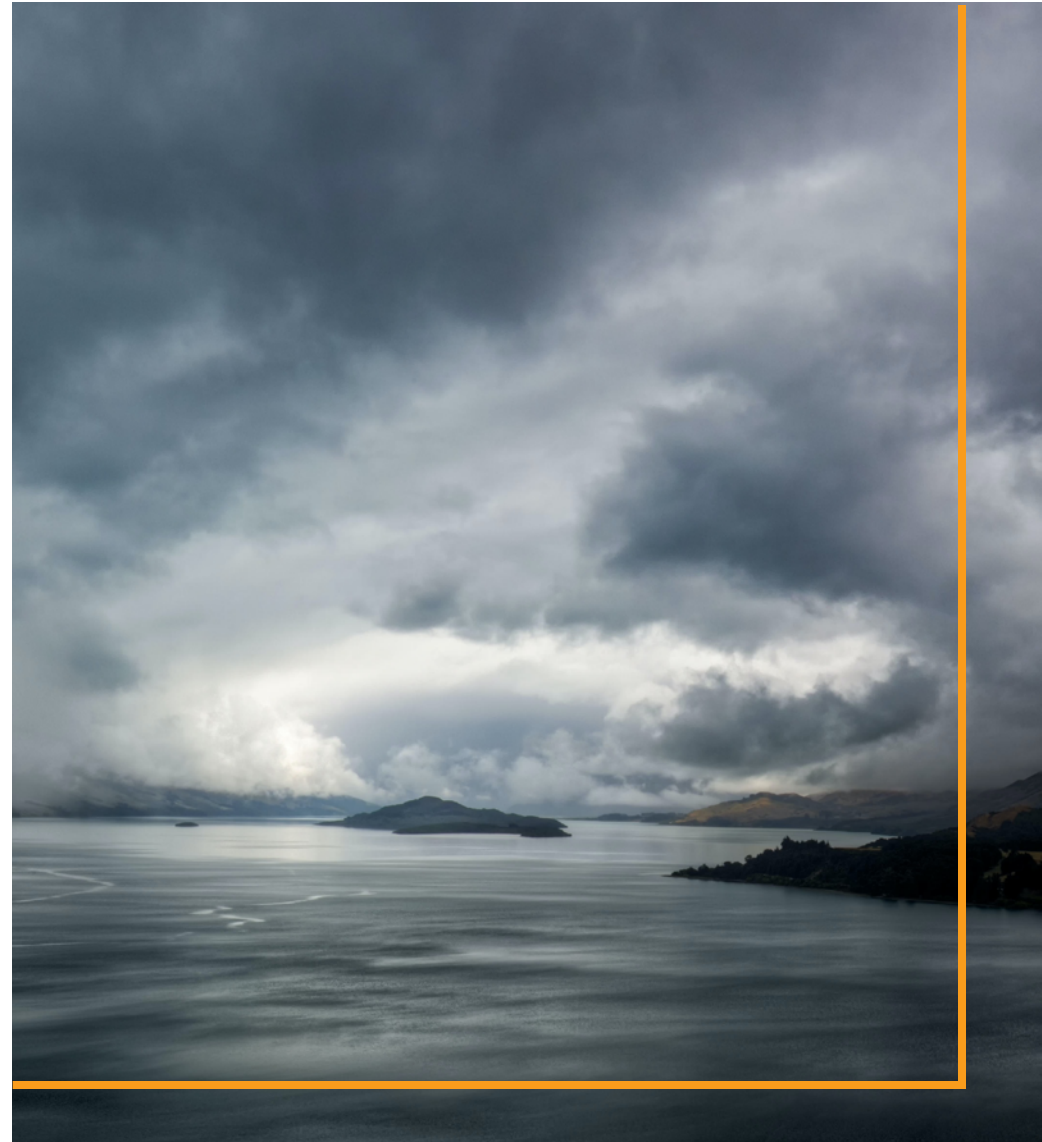
[CLICK HERE TO WATCH THE VIDEO](#)

I've written how not to hire a lawyer because I know it can be difficult to sort out the information coming at you. It is written in the negative as sometimes it is easier to use the process of elimination to sort out what you need.

WHICH LAWYER

Don't hire an attorney for a criminal case unless the majority of their practice is criminal defense. You need a lawyer who calls himself a criminal defense lawyer. You do not want a dabbler. (Would you hire someone who dabbles in dentistry for a toothache?) You want someone who is at the criminal courthouse on a regular basis dealing with cases and issues like yours.

Most criminal defense lawyers handle all types of criminal cases. The same court system, judges, prosecutors, Rules of Criminal Procedure and Rules of Evidence apply to all criminal cases – from DUI to Drug Possession to Murder. Your constitutional protections are the same in all cases. A good lawyer can spot a search and seizure issue in any type of case. And with a few years of practice most criminal defense lawyers will have handled a case similar to yours or something close to it.



INTERNET AND ADVERTISING

Don't hire a lawyer based on advertising, websites or online reviews. You can get a lot of information on the Internet these days, some of it is good and some bad.

Mailers and advertisements can provide you some leads. But the search for the right attorney for you should not be based solely on the Internet or ads.

The truth is there are good lawyers who advertise, and there are bad lawyers who advertise. And their ads often look the same. Florida Bar Advertising Rules are fairly restrictive. Most criminal defense attorneys are available 24 hours, are former prosecutors, belong to the local Bar association and can find a photographer that makes them look decent. I think the most important thing to look at in an ad or website is the tone. Is it professional? Is it well written? Or, is it cheesy and written to scare you into quick action?

Online reviews can be helpful in weeding out some attorneys that have consistently bad reviews. Look out for statements about failure to return calls or complaints about keeping the client informed. Look for reviews that tell you about the attorney's communication abilities and how they handled the case.

PRIOR RESULTS AND PROCESSES

Like stockbrokers say, past results are not a prediction of the future. Don't pick a lawyer based on their past results. Hire a

lawyer because you are confident in their approach and their process.

Past results may be helpful to show that your case is the type the attorney handles, but it really doesn't reveal much else. Unless you know you are going to trial, don't worry about trial results.

Instead of talking to a potential attorney about their results, ask them about their processes. Look for an attorney who can give you details about the way they handle cases from start to finish and how they communicate with clients.

EXPERIENCE

Experience is important, yours is not the case for someone to learn on. Don't hire a lawyer with less than five years of experience doing criminal defense. Why five years? Popular science says you need 10,000 hours of practice to become good at something (2,000hrs/yr X 5yrs=10,000). And the reality is you want someone who has seen a case like yours before and knows first hand the options for resolution.

And I am not saying that because I have 20+ years of experience. I say that because I know I am a better lawyer now than I was starting out. It is important to look at experience in total. It is important to look at the reputation the attorney built through those experiences.

Don't hire a lawyer just because they were a former prosecutor.

Many criminal defense lawyers were prosecutors. Is there a value to having worked at the prosecutor's office? Sure. It gives an attorney insight into how filing decisions are made and where there may be opportunities to defend a case. Learning how to build a case as a prosecutor is great experience to figure how to now take a case apart.

But just because someone worked as a prosecutor does not mean they are a better criminal defense lawyer. There are attorneys who are former prosecutors who were poor prosecutors and are now poor defense attorneys. There are folks who left the prosecutor's office on bad terms. There are attorneys who left just to make more money.

I say these things even though I am a former prosecutor. I know that I am a better defense attorney because of that experience. I learned how to try cases there. But that was 20 years ago and I have learned more working as a defense attorney on how to best counsel and help clients.

CONNECTIONS AND REPUTATION

Don't hire a lawyer because they say they "know the – prosecutor, cop, judge". Every lawyer who focuses their practice on criminal law knows these folks. And good criminal defense lawyers don't talk like this. Only a lawyer trying to sell you something rolls out lines like that (because they know you want to believe it).

Was there a time when being buddies with the local sheriff got

things done? Sure, but those days have come and gone. You are not going to get a good result because your lawyer "knows", "has drinks with", "plays cards with", "golfs with" or "used to be a prosecutor in the same division with" the prosecutor or judge handling your case. I have done all of those things with various prosecutors and judges, but I don't tell clients it will get them special treatment for their case.

Having a personal relationship with prosecutors, police and judges may help your attorney's call get through, but that is about it. Judges and prosecutors are professionals that take their jobs seriously. They are not going to do something for an attorney that bends the rules.

Your attorney should have the years of experience that has enabled them to build relationships at the courthouse. Having a relationship with people connected to the case doesn't hurt. But it is the facts of your case, not these "connections" which will drive the outcome. It is your attorney's reputation, more than their connections that help get things done.

COMMUNICATION

Don't hire a lawyer that tells you what you want to hear. You need to listen for a lawyer that tells you the bad parts of your case, as well as the good. It is better to hire a lawyer that has a hard conversation with you up front about the difficulties of your case than to hire a lawyer that creates false expectations and a worthless plan.

There are a few questions you should ask if you are considering a particular lawyer:

- Are you comfortable handling this type of case?
- What percentage of your practice is criminal defense?
- Who at the firm will be handling my case?
- What is your process for this type of case?
- Are my goals reasonable?
- What options for resolution do you see now?

Your lawyer should be able to communicate with you in a way that you are comfortable communicating. If you like sitting down face-to-face for a consultation, great. If you prefer the telephone, Facetime, Zoom, email, text, etc., great. Communication is essential so find a lawyer that communicates in a way that you prefer.

CONCLUSION

We have discussed how not to hire a criminal defense lawyer. Usually I prefer to communicate in positive terms. So to sum up, let's look at the tips you should use for hiring a lawyer.

This decision is never easy. But because of its importance you

must take some time, do your research, talk to the attorney or attorneys you think may be good and make an educated decision. So,

- Do your research.
- Consult with an attorney you know and trust.
- Look online at reviews and other information.
- Call the office.
- Make an appointment.
- Have a conversation about the facts, your goals and the attorney's process.
- Pay a reasonable fee.
- Relax a little bit knowing you have a professional handling this and you are going to be in the best position possible going forward.

I hope this information is helpful to you. If I can be of assistance in any way, do not hesitate to give me a call.

WHEN YOUR CASE IS CLOSED

SURVIVING PROBATION

Rule number one for surviving probation is, make your probation officer happy. And that is going to start at your first meeting. Show up with a good attitude. I know this is tough. But a good attitude goes a long way with probation officers who are dealing with bad attitudes all day.

Get all your fines and fees paid in advance if possible. If you can't pay in advance, pay on time. Do not fall behind. Your attorney can help prepare you for the amount you are going to owe.

Get all of your classes and community service done as quickly as possible. Again, your attorney can help you get started on these even before ordered. Probation officers love it when you show up and you've got your conditions already done.

Rule number two for surviving probation is, get off probation as soon as possible. You want to put yourself in a position to be off of probation as quickly as possible. I have clients sentenced to a year of probation get early termination after one day. They had done everything ahead of time, paid all their fines, and were ready to go.

We can't do that in every case, but we try. Remember, the quicker you are off probation, the less chance you have of violating probation and being hauled back to jail.



SIDEBAR

Don't drink or do drugs while you are on probation. Nothing gets clients in more trouble than drinking or drug use while on probation. First off, probation officers can come to your house and search it at any time. And they do. Second, people make bad decisions when they are under the influence. Don't put yourself in a situation where you get your probation violated due to being impaired.

How to handle your job interview when you have a criminal record.

In today's digital world it is easier than ever for employers to access criminal background checks. It is likely that a background check will be part of your next interview, so let's get you ready for the questions that are coming.

One thing I have noticed is that the ease of background checks has made employers recognize that a lot of people have had a bump in the road. And while employers may take a look at your past, they are more interested in your future. Nobody is perfect, so don't be discouraged. Instead, be ready and use your past to focus on your future.

HERE ARE 5 THINGS YOU NEED TO DO BEFORE YOUR NEXT INTERVIEW:

- Prepare to answer questions about your past directly and don't try to hide it.
- Have a short, factual account ready.
- Explain the lessons learned from past mistakes.
- Tell them about your commitment to being successful.
- Show them you are not a risky hire.

Here is how to make the most of an opportunity to convince a potential employer to hire you:

- Always be honest. Do not lie or put false information on your application. In today's digital world employers are going to know about your past.
- Make a positive first and last impression. People remember their first impressions, how you made them feel, and your final interaction. Address your criminal history in the middle of the interview. And end by discussing a positive outlook on the future.
- Keep the discussion of your record simple. If asked about

your past avoid telling all the details and avoid blaming others. Own the mistake, tell them a short positive thing you learned from it, and what you have to offer if hired. Two minutes max.

- Timing is everything. A good time to make the disclosure is if the employer brings up doing a background check or when they invite you back for a second interview. This likely means they like you and are considering hiring you. Tell them you would like their further consideration, here is what they need to know. They will appreciate your upfront disclosure.
- Clean up your social media accounts. Make yourself look good online. Make a LinkedIn account. Add some good pictures and video of yourself to several different platforms. You want to drive down your mugshot and any story of your arrest to the bottom of the page.
- Consider sealing your record. Check to see if your record can be sealed or expunged.

12 THINGS YOU SHOULD KNOW ABOUT SEALING AND EXPUNGING ARREST RECORDS

1. Arrest records are forever. With the advent of today's electronic databases, criminal records are readily available and visible to most of the public. Even cursory background checks will turn up criminal records.

2. There is no magical expunction fairy for juvenile records. Some juvenile records are required by statute to be maintained until the juvenile turns 26 years of age. Additionally, if the person is arrested before they turn 24, their juvenile record may be used against them. § 943.0515 Fla. Stat. (2009). A juvenile record may be expunged pursuant to § 943.0582 Fla. Stat. (2009), but the Application must be made within six months of resolution of the case.

3. There is a difference between sealing and expunging a record. If a record is sealed, it is placed inside an envelope, sealed and instructs that it may not be opened without court order. If a record is expunged, it is physically destroyed.

4. There are similarities between sealing and expunging. Both sealed and expunged records are removed from all public records databases. Additionally, whether sealed or expunged, a person may legally deny the existence of that record in most circumstances.

5. A person can only have one offense sealed one time. If multiple offenses occurred at the same time, they may all be sealed together. However, once you seal or expunge a record, you are not eligible for this relief again.

6. There are two exceptions to the one time rule. If you timely expunge a juvenile record pursuant to Florida Statute §943.0582, you may later seal or expunge an adult criminal

record. And, if your sealing/expungement was in another state, you can still seal or expunge your Florida case.

7. If a record is sealed or expunged you can legally deny that it exists. The only exceptions to this benefit are when applying for a job with a criminal justice agency, when a defendant in a criminal case, when applying for another sealing or expunction, when a candidate for admission to the Florida Bar, when applying to the Department of Education, when seeking employment authorization from a seaport or when seeking employment with a government agency that put you in direct contact with children, the disabled or the elderly.

8. Background check companies may discover a criminal record before it is sealed. There is no requirement that once a record is sealed or expunged that private companies remove the charge from their database. It may take extra work to completely clear a criminal record.

9. It takes about six months to seal or expunge a record. The majority of that time is waiting for the FDLE to process the application.

10. The requirements are strict. Only cases where the charge was dismissed or adjudication is withheld are eligible for sealing. Certain categories of offenses are ineligible altogether. Additionally, the petitioner can have no other criminal conviction on their record.

11. You should consult with a professional before sealing or expunging a record. There are subtle details to make sure that the application and petition are filled out correctly and because the process takes such a long time, it makes sense to make sure that it is done correctly the first time. If done incorrectly or incompletely, the Petitioner may not get the full relief they are entitled to and may not be able to go back and “fix” those errors.

12. Consider getting a copy of the entire court file before it is sealed or expunged. And always keep a copy of the Judgement and Sentence of the court and a copy of the Order sealing the file. You never know when a document may be needed later.

ABOUT THE AUTHOR



BRUCE DENSON IS A LAWYER, SPEAKER AND WRITER.

His legal practice consists mainly of representing people against the government in criminal matters and against tobacco companies for the harm cigarettes have ravaged on society. He founded and operates Paddle Addict, Inc., a non-profit helping people with addiction issues through water sport activities. He is committed to the idea that we can all do better and everyone deserves a second chance.

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