



**ARRESTED?**

**HERE ARE YOUR NEXT STEPS**



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Whether you've been arrested before or not, facing criminal charges is one of the most daunting positions you can find yourself in. You probably have a million questions—Are you going to jail? How long will you be in jail? How much will your defense cost? How long will the trial take? Are you going to lose your job? Who will take care of your kids?

And on and on.

While it might seem like you're losing control of your life as you weave your way through the Texas or federal criminal justice system, there is actually a lot you can control. Knowing what to expect and taking certain actions during your case will help you tremendously; this guide is meant to equip you with knowledge and tools so you can better position yourself for a successful outcome.

## **Part 1: The Investigation**

Both state and federal authorities will investigate an alleged crime before making arrests. The investigations can be somewhat simple or quite complex, involving just a few third parties or a substantial number of witnesses, co-conspirators, accomplices, accessories, and/or subjects. Tools that investigators use to gather information about an alleged crime include search warrants, interviews, and subpoenas, which are court orders compelling individuals to produce testimony or documents.

Chances are, you will be aware of any active investigations that seek to gather information about a crime you've allegedly committed.

Other times, you may not know that a federal agent, for instance, is investigating alleged Medicare fraud on your part. The police may ask you to come to the station to talk about an investigation; they may frame it as an informal discussion or something benign to tamp down any suspicions you have about their motives.

**No matter what the police ask you—or how they try to get you to talk to them—you shouldn't say anything without your attorney present.**

## **Part 2: The Arrest**

If federal or state authorities believe they have probable cause that a crime occurred, an arrest is likely to follow. Federal prosecutors often must impanel a grand jury before making an arrest on federal charges. Grand juries are also present in Texas cases involving felony charges. If the grand jury (collection of 16-23 individuals) votes that probable cause of a crime exists, an indictment will be filed in state or federal court. An arrest will either immediately follow an indictment or come at roughly the same time.

*Grand juries are not involved with state misdemeanor charges. As long as the District Attorney accepts the misdemeanor case, charges will be filed in the County Court, and the negotiating process begins.*

**The advice we mentioned previously stands: do not speak to any agent, police officer, or prosecutor without your lawyer present. No matter how cooperative or charming you are, the charges against you will not be dropped.**

### **Part 3: Conferring With Your Attorney**

There are a few ways your criminal case may proceed after your arrest. If you expected to be arrested, you and your attorney might have already begun discussions about either a possible plea bargain or your general defense strategy. If you don't have an attorney by the time you are arrested or indicted, you should get one as soon as humanly possible.

Regardless, you will have to make an initial court appearance. Often called an arraignment, this is where you will appear in front of the judge and, depending on the nature of your charges (federal or state, felony or misdemeanor), enter a plea of guilty, not guilty, or no contest (*nolo contendere*). If your bond has not been set, the judge will set it at this initial appearance.

After your initial appearance, your attorney will begin negotiating with prosecutors about discovery. Discovery is the phase preceding a criminal trial in which both sides exchange information and evidence. A skilled defense attorney will also file a number of pretrial motions to either introduce or suppress evidence for the benefit of your case. You might have to make one or more court appearances before trial.

There are plenty of things an experienced criminal defense attorney can do in the discovery phase to put you in a good position for the trial or, if necessary, negotiate a favorable plea deal. Determining whether or not you should take a plea deal requires you and your attorney carefully analyzing the available evidence and assessing the viability of the prosecution's case.

**It's vital, during the discovery and pretrial motions phase, to be completely truthful with your lawyer. The biggest risk to your case will be any false statements you make to your attorney and important facts you leave out.**

#### **Part 4: The Trial**

If you do not take a plea agreement and the prosecution does not dismiss your case or decline to prosecute, you will go to trial. You're probably most familiar with this part of the criminal justice process through its numerous depictions on television and in the movies. However, these dramatizations rarely show the full scope of criminal trials.

Both the prosecution and defense have certain rights to shape the jury. This is a group of 12 otherwise ordinary people who will decide whether or not the prosecution has proven, beyond a reasonable doubt, that you committed the crimes of which you have been accused. During the trial, your attorney will continue to make motions and negotiate with the prosecution.

**Going through a criminal trial will undoubtedly be one of the hardest things you'll ever go through. Continuing to communicate with your attorney is one way to help your case.**

**During the trial, dress neatly and be silent unless your lawyer directs you to speak. There might be times when you want to yell or last out, but this will only hurt your defense.**

## **Part 5: The Verdict**

After the trial has concluded, the jury will begin deliberations. The two possible outcomes are fairly straightforward at this point: you will either be found guilty or not guilty. If you are found not guilty, the matter is over and you may request to have your arrest expunged.

**If the jury returns a guilty verdict, your fight is far from over. There are certain things your attorney can do to ensure you receive the least severe sentence possible through mitigation strategies. And, of course, you may choose to appeal the verdict to a higher court.**

## **Conclusion**

The Law Office of Kevin B. Ross, P.C. has defended against almost every criminal charge there is. We know the value of proactive, aggressive, and thorough legal counsel for Texas defendants. The best way to take on criminal charges is head-on; our team approach to defending clients produces results time and again.

If you or someone close to you is dealing with criminal charges, there's no time to waste. Call our firm at (214) 731-3151 or fill out an intake form on our website to get started on your defense today.



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