

10 Things You Need to Know When You Are Being Charged or Interviewed For a Crime or DWI

1. Exercise your right to remain silent. Do not answer any questions, whether or not you are given your Miranda warning, because anything you say will be used to convict you in court. For example, even an admission of having had something to drink can be used against you when charged with DWI. Politely explain that you are exercising your right to remain silent when asked any question. Maintain the same firm but polite response no matter what the officer asks. If asked “Why won’t you answer the question?” just answer, “That is my legal right.”
2. Always invoke your right to a lawyer. If you are given your Miranda rights, do not waive them. Remember rule #1 — remain silent and always say you want a lawyer, no matter what the detective, officer or trooper says, threatens or promises. Remember Denzel Washington in the movie “Two Guns.” No matter what the cop asks or says, Denzel replies, “Lawyer!”
3. Never allow a law enforcement officer into your home without a search warrant, no matter what any officer says. Law enforcement officers are not legally entitled to be in your home without a search warrant. Do not buckle under pressure or threats to rip up your home. Again, remain polite and respectful, but firm. Your home is your castle. No warrant, no entry.
4. Never consent to a search of yourself, your home, your car or your property. Officers can be very intimidating. Even if you are detained for hours, don’t let them search your property. If they want to get into a safe, make them break it. Respectfully but firmly enforce your legal right to privacy.
5. Never go anywhere with a law enforcement officer unless there is an arrest warrant. No officer can make you go to their headquarters “just to ask you a few questions.” Respectfully but firmly say that you are not going anywhere unless there is an arrest warrant.
6. If you are arrested, you must submit peacefully or you will be charged with resisting arrest or obstructing justice. Go with the officer peacefully and make a mental note of everything going on so you can tell your lawyer about it later. It is especially important to note the names of the officers involved.
7. When being investigated for DWI, respectfully exercise your right to remain silent and decline to take any field sobriety test (FSB). You are not legally required to take a field sobriety test. Force the officer to make his or her arrest decision based on what they observe without giving them any help to arrest or convict you.
8. If arrested for DWI, you are legally required to take the breath test. Submit to the breath test only without answering any questions (see 1–7). Let your lawyer argue the other issues.
9. Don’t wait to be charged. Hire a criminal defense lawyer if you have been contacted for questioning by any law enforcement agency. Forewarned is forearmed. Don’t wait until it is too late. As the phrase says, “Lawyer up.” A good lawyer may be able to prevent you from being convicted or prevent charges from being filed. Do not convict yourself with statements or actions that can be twisted against you.
10. Do not think that because you are innocent, you won’t be charged or convicted. Innocent people are falsely accused and convicted of crimes every day in this country. Once you are targeted, the entire investigation narrows its focus on you. You need to know a good criminal defense attorney in case you, a friend or a loved one is involved in the criminal justice system. Now that you have read this, **you know me**. **Please call immediately** for a free, 30-minute consultation.