



# Consequences

*Before you plead guilty, ask these questions.*

BY WARD B.B. DAVISON AND JAMES GILL

Too often my phone rings and someone says, “I was convicted of (insert petty crime here) seven years ago—can you help me get my record cleared?” The fact that this question is asked so often means that many people who plead guilty don’t understand that this plea could result in a final conviction. Because the criminal justice system relies on people making informed decisions, you are doing yourself an injustice if you enter a plea without fully understanding the consequences.

Sometimes you may think it is expedient to plead guilty. Often this is done with the assistance of a government prosecutor (that same prosecutor will just as often work with you to have your case dismissed when the circumstances call for it). And even if the prosecutor works with you or your lawyer to secure what you think is a fair penalty for your guilty plea, it does not mean the judge has to accept it, though he or she usually will. Once you plead guilty, all sentencing is left to the judge’s discretion. You need to be aware of the full range of consequences of your decision. Before you make your plea, be sure that you ask yourself and your lawyer the following questions:

## **What is the economic impact of pleading guilty?**

Let’s start with the obvious. It’s likely that you will be assessed a fine and court costs, which can range from a couple hundred dollars to hundreds of thousands of dollars in extreme cases. If you’ve signed up for probation, you’ll incur monthly costs in order to

stay on probation. If you are convicted of stealing or damaging someone else’s property, you’ll likely be forced to pay restitution to compensate for the loss. Even something as tame as a speeding ticket can get you on the state of Texas surcharge list. Failure to pay these fines, fees, and costs in a timely manner could result in your probation being

revoked, a warrant being issued for your arrest, and you ending up in jail.

If you do go to jail, how will that affect your ability to earn money? What will happen to your credit if you can’t make all your payments? Will you have a job when you get out? When will you get out? We could do a whole other article on that subject.

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### How will this conviction affect me if I'm convicted again?

If you are convicted again for the same type of crime, there is a possibility that the seriousness of the penalty will be enhanced. A person convicted of stealing \$25 three times can potentially get a much heavier sentence than someone convicted of stealing \$10,000 only once.

### Is there any way this conviction could limit my ability to live where I want to live?

Apartment communities and, increasingly, homeowners associations screen for any drug, theft, or assault conviction. Pleading guilty to a criminal charge may limit your freedom of choice on where you can live.

### Will pleading guilty limit my ability to pursue the career of my choice?

Yes. Without a doubt. If you and another person are competing for the same job and are equally qualified, but one of you has a tarnished criminal history ... guess who better keep looking for another job? In a world where background checks are a matter of routine hiring practices, a conviction for *anything* hinders your ability to compete in the job market. This is especially true if your career of choice requires licensing. Have you pleaded guilty to some type of deceptive behavior? You're going to have some explaining to do to the Board of Law Examiners if you want to be admitted as an attorney. Pleading guilty to possession of a controlled substance? Your ability to advance in the medical field just got a lot harder. DWI? Hope you don't drive for a living. Theft? That's a huge red flag for most employers.

This is not meant to discourage you from a certain career, because some employers and licensing agencies will still work with you, but you do need to be realistic about the

consequences of the decision you're making.

### I'm just a kid. My records will be sealed. This can't hurt my future ... right?

When you apply to college or for certain scholarships, some convictions can be detrimental to the acceptance of your application. Even federal or state level grants can be denied on the basis of a conviction. This is especially hard for young people to understand. They often hear, "Pay this amount and the whole problem is resolved today." So they dig into their savings and pay the fine and hope that their parents or school don't find out. But when the denial letters start coming in, that conversation will be much worse.

### None of the above applies to me. I'm self-employed; I don't have time to fight this charge. I'll just plead guilty and be done with it. What's wrong with that?

Nothing necessarily. But have you thought of the *social capital consequences* that may accompany your decision? Multiple websites exist solely to profit from your misfortune by posting your booking photo online for all to see. No one wants to end up there. Is this something that could go viral on Facebook and lead to embarrassment with friends or family? Can it affect your small business through Yelp or Angie's List? Are you aware that certain countries (like Canada) will deny you entry if your record has certain convictions—even misdemeanors? Are you prepared for extra scrutiny from law enforcement officials every time they run your ID or license plate? There are several collateral consequences to having a criminal record. A conviction cannot be expunged or sealed, except in very limited circumstances.

### So ... is there ever a time to plead guilty?

Certainly there is. Sometimes it's

best for everyone if you plead guilty to a reduced sentence before trial. But it's important that you understand the full ramifications of your plea. Even if you can't afford a lawyer, at least schedule a consultation with one. Sit down and talk with him or her. Be sure you understand what rights and privileges you are trading in order to save a little time or money. **TBJ**

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