

## Helpful Instructions for Clients in Criminal Cases

I have been appointed as your new counsel of record and it will be helpful to the defense of your case if you will observe the following general instructions.

**WITNESSES** It is very important that you inform me as early as possible of the names and addresses of any witness that will be beneficial to your defense. It is generally **not** effective to call witnesses who will testify to irrelevant matters or who will testify to facts that help the State obtain a conviction, so please review the names carefully before submitting them to me.

**FACTS** Please provide me your version of the facts in your case, whether good or bad for your defense. It is important that you notify me of **any harmful evidence**, so we may prepare the best defense possible and not be surprised by anything the State might present. Also, please let me know if you believe any witnesses are going to lie about you or the facts, and what you believe they are going to say.

**MOTIONS** It is generally **not helpful** for you to prepare or file your own motions. I prepare and file motions that I, as a legal professional, believe appropriate. I may choose to file them on the day of trial in order to avoid giving the State any added advantage unless required to do so by law or local rules.

**JAIL VISITS** I represent a large number of citizens accused of crimes and must make ample use of my time in visiting inmates. Please do not request numerous unnecessary jail visits since I obtain most of the information I need in our initial meeting or meetings with my investigators, should they be assigned to work on your case.

**CORRESPONDENCE** It is helpful for you to correspond with me regarding the facts in your case, so please feel free to write to me. If there is additional information I need, I will contact you. It is **harmful to your defense** for you to write to the District Attorney or the Judge, since the prosecutors can and will use your correspondence against you if they can. Anything you write to the Judge in your case is also a matter of public record and becomes part of the Court file. The prosecutor may use confessions or other damaging information you place in the Court's file against you.

**BONDS** I am appointed to defend you in this specific case, and am not appointed to file writs of habeas corpus or to be your "all-purpose" lawyer. My appointment is based upon your representation to the Court that you are indigent. If you are not indigent, then it will be necessary for you to hire counsel. My services for posting bonds and filing writs are limited to retained clients and are not available to appointed clients on a free basis.

**CONFIDENTIALITY** Our communications are privileged and cannot be used against you. "Jail Talk"--such as discussing your case with other inmates-- is **not** privileged and can be used against you. The State has on occasion used other inmates as witnesses based upon what was said in jail, so it would serve to your benefit to discuss your case with no other persons.

**TRIAL DATES** Your case is among many currently on file, which is the reason for trial dates being scheduled months away. I do not set the trial dates. The Court often sets a number of cases for trial on the same dates because many cases settle at trial. Your case may or may not actually be tried on the first trial date, and I do not control which case the Court picks to try on a given date.

**TELEPHONE CALLS** My office generally does not accept collect telephone calls from the jail as I receive numerous calls daily, and I am often in trial and unavailable for such collect calls. It is often better to communicate by writing as I can keep a record of the information you relate to me in your file for future use. Your family members may also schedule an appointment to meet me at my office just as retained clients may, but you must send me **permission in writing** to discuss your case with them before I may talk to them about the specifics of your case.

**PLEA BARGAINING** I do not advise people who contend they are innocent to plead guilty. If you are in fact guilty, you may wish to consider entering into an agreed punishment recommendation if you believe it may lessen the severity of the outcome of your case. The District Attorney will often make a plea bargain offer in your case whether or not you are guilty. Only you know whether you are in fact guilty and whether you should take the offer. If you wish to enter into a plea bargain agreement, please notify me and we may dispose of your case at an earlier date. At no time will I attempt to coerce you into pleading guilty to a crime you did not commit; I am, however, required to relate to you any offer the State may make. My relaying any offer by the State to you is not an attempt to persuade you to plead guilty, and you are free to reject any such offer and have a trial whether you are innocent or guilty.

The above information is provided to you in an effort to provide you effective representation in the defense of your case and your observation of these instructions will assist in your case when it is called.