




8

**WAYS A CRIMINAL
DEFENSE ATTORNEY
CAN HELP YOUR CASE**

BRETT A. PODOLSKY

AGGRESSIVE CRIMINAL DEFENSE

BOARD CERTIFIED BY THE TEXAS BOARD OF LEGAL SPECIALIZATION



You or a loved one was arrested for a crime in Texas. What happens next? The first step is hiring a qualified, experienced defense attorney.

It's often complicated to determine if a criminal lawyer will help your case because most people aren't familiar with the criminal system.

They are also unfamiliar with how a criminal lawyer makes it easier for the accused and their family members to navigate through criminal justice system.

In this ebook, you'll learn more about the criminal justice system and discover eight ways a criminal lawyer helps during a criminal case.

The goal of this ebook is to de-mystify the criminal court process and provide a detailed understanding of why a criminal lawyer is vital to a court case.

ARREST AND BOOKING

Once a person is arrested for a crime in Texas, officers must inform the accused that they have a right to:

- Remain silent. This means they don't have to answer the officer's questions.
- Consult a criminal attorney.
- Have the criminal attorney present during police questioning.

If the police fail to inform the accused of their right to remain silent, the case against them won't be dismissed automatically. Any evidence obtained won't be automatically dismissed either.

After an individual is arrested for a crime, they have the right to know the crime or crimes they're accused of committing.

The individual also has the right to talk to their family, friend, bondsman, or attorney soon after they're taken to the police station. The police do have the legal right to complete the booking before allowing the accused to make their free phone call.

The booking process happens at the police station. Several different things happen during the booking process, including but not limited to fingerprinting the suspect, conducting a full body search, and conducting a health screening.



INITIAL COURT APPEARANCE

State law requires an initial appearance to occur within 48 hours of an arrest.

The only exception is when the accused is arrested on the weekend. They will have to spend the weekend in jail because the initial will happen on the next business day. This is the first court appearance in a long series of court dates.

During the initial appearance, a judge reads the criminal charges aloud. The judge will also indicate whether the criminal charges are supported by an affidavit.

An affidavit is a sworn statement outlining more information about the criminal charges.

The judge will give an accused a reasonable time to find a lawyer before their next court hearing.

THE ARRAIGNMENT

An arraignment is the second hearing.

The arraignment happens after the accused is formally indicted, or charged with a crime.

During this hearing, a judge will read the formal charges. The accused must plead:

- Guilty
- Not guilty
- No contest

Bail is then set. Keep in mind though that the judge can refuse to grant bail.

HOW AN ATTORNEY CAN HELP

A criminal lawyer's job is to represent the accused throughout the criminal justice process. For instance, the time during the arrest to the trial is called a "pre-trial period." A criminal lawyer will conduct their own criminal investigation and work to resolve the case before it reaches trial. Here are eight other ways a lawyer can help during a criminal case:

1. REVIEW THE CRIMINAL CASE

The first task for a criminal lawyer is exploring all aspects of the criminal charge, laws, circumstances that led to the arrest and reviewing evidence.

For instance, chapter 19 of the Texas Penal Code is devoted to criminal homicide.

[Section 19.02](#) outlines murder as knowingly or intentionally cause someone's death and intending to cause serious bodily injury in a disregard to human life. It may also occur when a person commits a felony and someone dies. The punishment for murder is death or life in prison.

A lawyer will look at the circumstances surrounding the arrest and review the evidence.

They review the law and circumstances surrounding their client's arrest for any problems or lack of evidence.

A lawyer's goal is to get the case dismissed or reduced.

2. FIND PROBLEMS THAT HAPPENED DURING THE ARREST

Problems that happen during an arrest range from illegal searches to police misconduct.

Problems during an arrest often make it easier for the state to convict the accused. An illegal search goes beyond the area police are allowed to look for evidence.

For instance, an arrest made without a warrant prevents police from searching hidden places, looking for evidence in a home. This type of search is illegal. It is a lawyer's job to find these types of problems, point them out to the judge, and get the case reduced or dismissed.

3. NAVIGATE THE LEGAL SYSTEM

The criminal justice system is complex. They have different court systems, legal fees, and punishment outcomes.

A lawyer will be able to track the following and explain it to the client:

- Legal paperwork
- Scheduling hearings
- Rescheduling hearings
- Ensure court rules are followed
- Talking with the prosecution

4. OFFER CLIENT ADVICE

Legal advice is critical during a case. Legal advice ranges from explaining the ramifications of a plea deal to how to answer questions in court. The accused and their family could read law books all day and not understand written rules. They will also never read some unwritten court rules. That's one of the reasons why a lawyer is retained.

Without solid legal advice, the accused can make the wrong decision that could land them in prison.



5. PROVIDE LEGAL DEFENSE

A legal defense is a specific reason why a person didn't commit the crime or justifiably committed the crime

General defenses include self-defense and innocence. As soon as a lawyer is hired they'll begin building a defense by hiring expert witnesses to make the defense stronger and attacking the prosecutor's case.

A criminal defense lawyer works closely with their client to develop a specific defense strategy. This may involve any combination of the following:

- Gather evidence and statements from all parties
- Review evidence for problems/explanations
- Interview prosecution witnesses
- Find and hire expert witnesses
- Hire an investigator

6. REPRESENT THE ACCUSED IN COURT

Legal representation often starts at the police station during police interviews when the suspect is interrogated by police; however, that's not where criminal lawyers spend the majority of their time.

The lawyer advises the client and speaks for them to prevent them from saying anything to damage their case.

Lawyers represent the accused at all court hearings, fighting on their behalf. This will involve using the evidence and statements related to the case to defend the client and his rights.

Legal representation is peace of mind of the accused and their family because they don't have to figure things out alone.

7. NEGOTIATE AN ALTERNATIVE SENTENCE

The accused and/or their family members aren't allowed to negotiate with a prosecutor for an alternative sentence.

An alternative sentence, or plea deal, typically allows the accused to avoid conviction of the original crime for a lesser crime.

In exchange for a guilty verdict, the accused agrees to a lesser charge. The accused could also plead guilty to the original charge, but receive a lighter sentence. The lighter sentence could range from probation to less time behind bars.

8. EXPLAIN THE SENTENCE DETAILS

How does the accused know they're getting a good deal to avoid going to jail or prison? They don't unless they have a lawyer.

A lawyer will explain all sentence options to the accused to let them know how to proceed.



HIRING A CRIMINAL LAWYER

Hiring a criminal lawyer is vital. It often means the difference between freedom and spending time behind bars. A lawyer advises, represents and fights for their client. Not all criminal lawyers are the same. Here's what to look for when hiring a lawyer:

- Determine your needs. Are you trying to get charges dropped, go to trial or get a plea deal? Your needs will determine the qualities you want your lawyer to have.
- Gather a list of lawyers in your area. Investigate them by reading their website, searching for information about their legal career and reading their blogs. If they're willing to offer free information on legal topics, they're willing to help even if you don't choose them.
- Contact a lawyer for a free consultation. Determine if the lawyer is the right one for your case. It's important the lawyer has experience in your exact criminal charge.
- Pick your lawyer. Depending on the stage of the arrest, this process may go fast or slow. Keep in mind, the process must be efficient and thorough. Freedom is at stake.



CONTACT THE LAW OFFICE OF BRETT A. PODOLSKY

You've been charged with a crime. You may be searching for a lawyer for a loved one. Whatever the reason you're reading this e-book, it's important to obtain the right legal representation. Contact the Law Office of Brett A. Podolsky for help. He's a former prosecutor devoted to protecting the legal rights of anyone charged with a crime.

Brett Podolsky will:

- Navigate and explain the legal system
- Aggressively investigate your unique situation
- Provide high quality legal representation
- Fight to protect your rights

He's ready to fight for you or your loved one.

Contact us for a free consultation.

(713) 227-0087

or click the button below to leave a message
and we'll be in touch shortly.

REQUEST CONSULTATION

