

Criminal Law FAQs

Q: When should I talk to the police?

A: Never speak to the police without your attorney present. Don't make the mistake of giving a statement to the police without your attorney present. Your attorney represents your best interest while communicating with investigators and not giving any information that is admissible in court. The best advice for a statement to law enforcement is "I would like to speak to my attorney please."

Q: What is an arraignment?

A: An arraignment is your first appearance in court. During arraignment you are generally informed of the charges being brought against you and are asked for a plea to those charges. Either guilty, not guilty, no contest or a mute plea. In Texas the arraignment proceeding is also where the judge will set bail and whether or not the defendant will be held until trial. If the court chooses to detain an individual this is also where the judge will set the bail amount.

Q: What is a preliminary hearing?

A: If you are charged with a felony offense like homicide or another violent crime, this is where the judge evaluates the evidence to see if there is probable cause and if the prosecution has enough evidence to charge you with a crime.

This stage is important because it gives your attorney a chance to examine the case against you and mount the proper defense. Your attorney also has the opportunity to dispute evidence, have testimony thrown out and identify the weaknesses in the prosecution's case.

Q: What is a pre-trial conference?

A: The pretrial Conference is a legal proceeding that happens prior to the trial. During the pretrial conference both parties meet before the judge to determine which evidence and witness testimonies will be allowed in court. This is also where your defense attorney may discuss a plea bargain with the District Attorney, such as pleading guilty to a lesser charge or even lowering the charge from a felony to a misdemeanor.

Q: What happens at the trial?

A: The standard stages of the trial proceedings are as follows:

1. Selecting a jury (in some cases)
2. Opening statements
3. Prosecution: Presenting the Evidence
4. Defense: Cross Examining witnesses
5. Closing Arguments

Once both sides have made their case the Jury (or judge if no jury is appointed) deliberates and returns a verdict of guilty or not guilty. In Texas the jury's verdict must be unanimous to convict. If a unanimous verdict cannot be reached, then a mistrial is declared. If a unanimous guilty verdict is reached, then the trial progresses to the sentencing phase.

Q: Do I need a criminal defense attorney?

A: YES! Whether it is a felony or a misdemeanor, you or your loved one needs an experienced attorney representing your best interest. This is your fundamental right and is even explained in your Miranda Rights. Hiring an experienced attorney will help you navigate the case properly and ensure the best outcome for you or your loved ones. In addition, an experienced attorney will help you understand

1. The charges filed against you.
2. The best defense strategies for your case.
3. The likelihood of a plea bargain.
4. What to expect during pre-trial, trial and sentencing.

If you did not find the answer to your question above and you would like to discuss your matter with David F. Pickering, please contact us for your free 30-minute consultation. We look forward to meeting you and assisting you with any legal need you may have now or in the future.