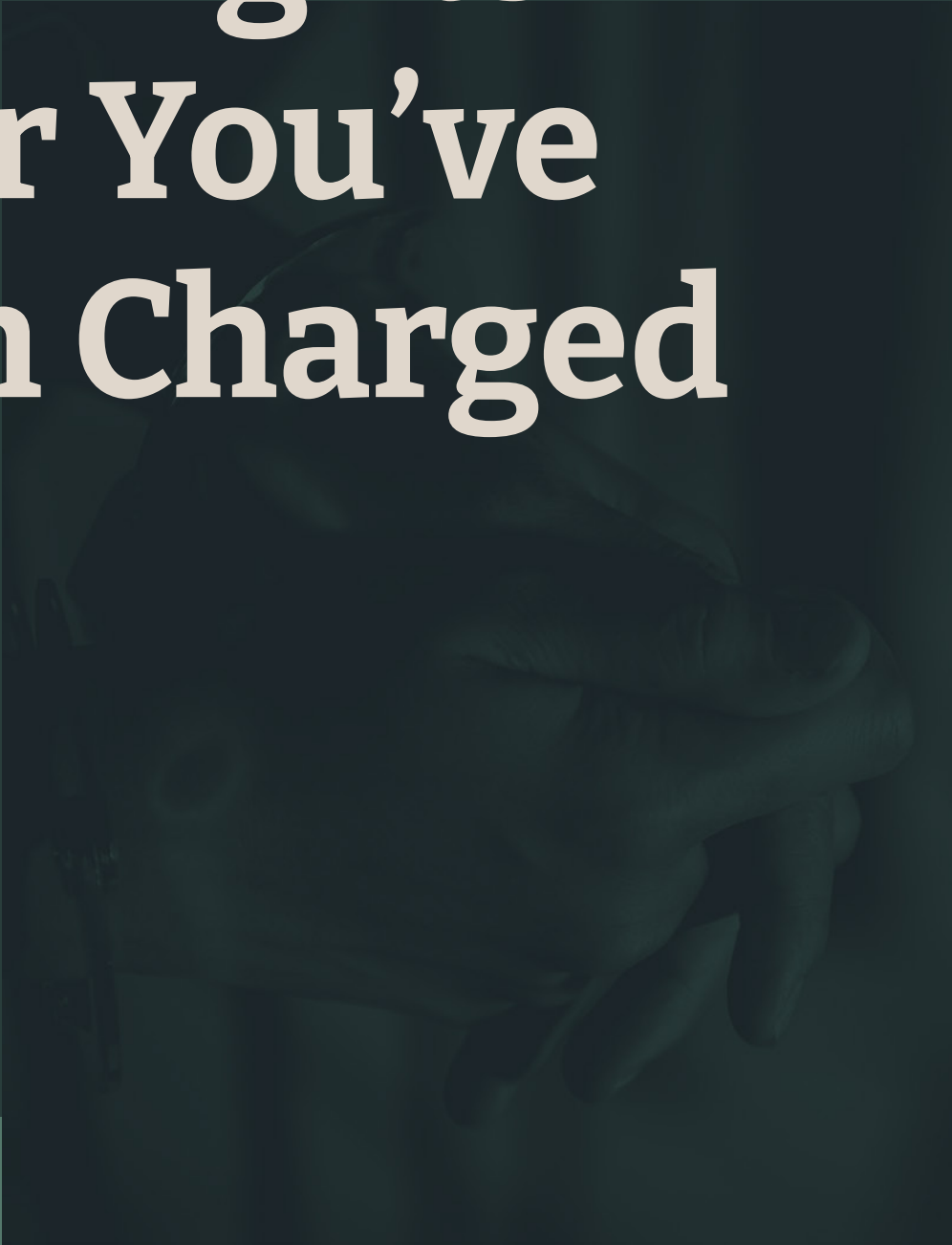


Your Rights After You've Been Charged



StPeteCriminalDefense.com



FLETCHER + FLETCHER

CRIMINAL DEFENSE ATTORNEYS



At Fletcher + Fletcher, we know that being charged with a crime – or even being accused of a crime – and having to face the criminal justice system can be overwhelming. As criminal defense attorneys, it's our job to help you through each step of that process and inform you of your rights along the way.

Here's a brief overview of what that court process looks like in Florida:

1. Advisory Hearing

Your advisory hearing (or initial appearance) is when the judge informs you of your charges and lets you know your bond amount or sets a bond. This is *not* the time to discuss the facts of your case.

KNOW YOUR RIGHTS:

If you spend any time in jail and use the jail phone, you should **only** discuss the facts of your case **with your attorney**. These calls are *recorded*, and the State Attorney's Office has access to your calls. Anything that is said to someone other than your attorney can be used against you in subsequent proceedings.

2. Filing Decision

At this point, the State will decide whether or not they are going to file formal charges in your case:

- If you are *still in custody*, they have 33 days to file formal charges.
- If you are *out of custody*, the State Attorney's Office has 180 days to file formal charges on a felony case, and 90 days to file on a misdemeanor case.

KNOW YOUR RIGHTS:

If you are in custody and the State does not file within 30 days, your criminal defense attorney can file a Motion for Mandatory Release. The State can then either file charges or file for an extension. If neither one of those is done by the close of business on the 33rd day, you will be released on your own recognizance.

3. Arraignment

Your case will be set for an arraignment once formal charges are filed or once the citation is uploaded to the Clerk. At arraignment, your attorney will enter a plea of NOT GUILTY on your behalf. This allows more time to obtain discovery, discuss the case with you, investigate any issues with the case, and talk to the State Attorney's Office regarding the case.

KNOW YOUR RIGHTS:

You may or may not need to be present for your arraignment court date. Your attorney will let you know if you need to be there.



4. Pretrial

The judge will set your case for a pretrial date after your arraignment date. At the pretrial court date, you will likely find out if there is an offer from the State or what the State Attorney's Office will accept if you want to resolve your case.

KNOW YOUR RIGHTS:

You may or may not need to be present for your pretrial court date. It's crucial to maintain good contact with your attorney to know whether you need to be in court to avoid having a warrant issued for your non-appearance.

5. Plea Negotiations

Most cases resolve before going to trial. The decision to negotiate or go to trial is your decision, and your attorney will help counsel you on what your options are given the facts and circumstances in your case.

KNOW YOUR RIGHTS:

Plea negotiations only happen *with your decision* and whether you want to make or accept an offer with the State Attorney's Office. You do not need to negotiate to resolve your case and *you can choose* to go to trial if you prefer.

6. Jury Trial

If a case cannot be worked out, a jury trial will be scheduled. If your case gets set for trial, your attorney will work with you so that you feel comfortable going to trial. If your case is at this stage, it is imperative to maintain good contact and communication with your attorney.

KNOW YOUR RIGHTS:

The Sixth Amendment guarantees everyone the right to a public trial, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges against you. If at any point you feel any of these rights have been violated, talk to your attorney as soon as possible about what other steps you need to take.

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Know Your Rights; Defend Your Freedom

Call 727-369-9850 now to schedule a free consultation with our team so that we can get started on your case.