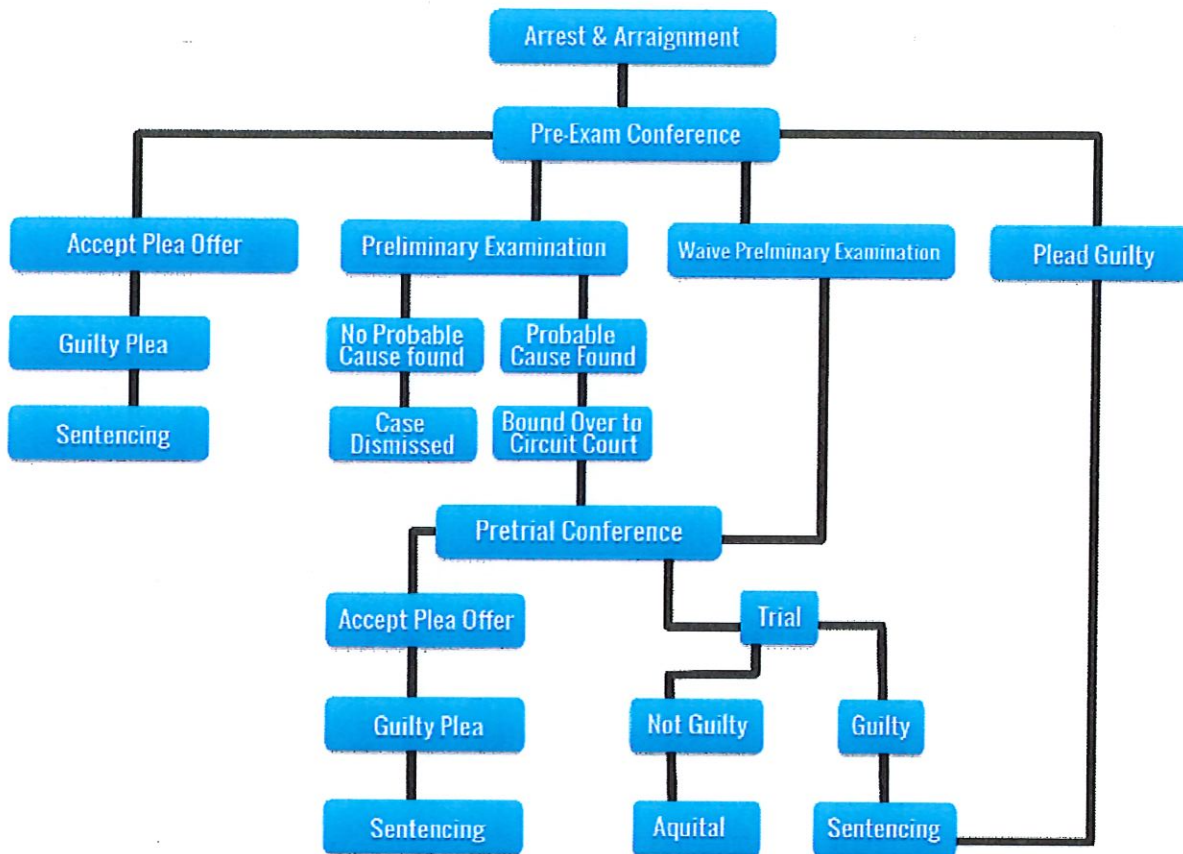


Isabella County Public Defender's Office Inmate Guide



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*"There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."
-Justice Hugo Black*



Steps in a Criminal Case

1. A crime is reported
2. The Police become involved:
 - a. An investigation takes place
 - b. A report is prepared
 - c. The report is forwarded to the prosecutor
3. The prosecutor has three options:
 - a. File a criminal complaint
 - b. Request further investigation
 - c. Decline prosecution

If a criminal complaint is filed, it is either a misdemeanor or a felony, the steps of each are:

Misdemeanor

Arraignment-District Court
 Pre-Trial Conference
 Motions
 Plea or Trial
 Sentencing

Felony

Arraignment-District Court
 Preliminary Examination
 Bind over to Circuit Court
 Arraignment-Circuit Court
 Pre-Trial Conference
 Motions
 Plea or Trial
 Sentencing

If the judge sets a bond in my case, how do I pay?

A judge can set a personal recognizance bond, which means you simply promise to return to court, but don't post any money. A judge may also set a case or surety bond, which means you will need to post this amount to be released during the pendency of your case. If the judge sets a 10 percent provision, it means that you only need to actually post 10 percent of the amount set, and the other 90 percent will be owed to the court if you do not show-up. It is always best to bring someone to post bond for you, because some courts will not allow a defendant to post their own bond.

If I forget my court date, how do I find out when it is?

Call the Public Defender's Office immediately! If you don't know your next court date, don't put off calling to find out. Missing a court date can result in the judge taking you into custody when you do show up or a warrant being issued for your arrest. The easiest way to find out your next court date is to contact the Public Defender's Office and our staff will be able to tell you your next court date.

What is the difference between jail and prison?

If you are not released on bond, you will sit in jail during the pendency of your case. If you are to serve less than one year, then you go to a county jail, which is located within the particular county (i.e. Isabella County, Gratiot County). If you are sentenced to more than a year, you would go to prison, which is run by the Michigan Department of Corrections. You could serve time in a prison that is located outside of the county where you committed the offense. In summary, it is far better to go to jail than to go to prison.

What are some things I can do to help my case?

- Do not speak to anyone, including the police, about your case except your attorney.
- Keep track of your court dates and times and arrive 30 minutes prior unless otherwise instructed by your attorney.
- Dress professionally for all court appearances.
- Bring all relevant case related documents and information to all court dates and appointments.
- Do not post anything on social media regarding your case and maintain a professional outward appearance online and in public at all times during the course of your case.

What is an arraignment?

This will be your first court appearance where you appear before a magistrate or judge. You have a right to have an attorney present at arraignment. The magistrate or judge will read the charges and you will enter a plea of no-guilt, guilty or stand mute. The magistrate or judge will also set bond, along with various bond conditions.

What will happen at my preliminary examination?

If charged with a felony, you have the right to a preliminary examination before reaching the circuit court. There are three different things that can happen.

- The examination will be held where the prosecuting attorney must show probable cause that a crime was committed, and that you committed the crime.
- The examination could be waived, meaning that the case will go to the circuit court without an examination or you can waive with the right to run at a later date.
- The final result is the case is resolved with a plea as charged, or to reduced charges. The preliminary examination is the gatekeeper to felony charges.

What happens if I miss a court date?

If you fail to appear for a court date, the Judge may issue a warrant for your arrest and your bond may be forfeited. If a warrant is issued, you will need to turn yourself into the jail.

The police did not read me my rights; can I get my case dismissed?

Probably not. Not being properly advised of your constitutional rights may have consequences that will impact the ultimate outcome of your case, but the mere fact that you were not properly advised does not mean your case is automatically dismissed. It is an issue that should be brought to the attention of your attorney.

Can I bring my cell phone to the court house?

NO! Most courthouses, including Isabella County, do not allow any electronic devices including cell phones. Some court houses have lockers to put phones, but Isabella County does not provide these accommodations. It is best to leave your phone in your car or at home.

What if the victim wants to drop the charges – will my case be dismissed?

There's a major misconception that the victim makes the decision to prosecute. This is not true; a victim is merely a witness who provides factual information to the police department or prosecutor. Based upon this information, an arrest or investigation will occur, and the prosecutor will charge someone on behalf of the State of Michigan. The defendant has committed a crime against the state, in violation of a law rather than an individual person.

Who should I speak to about my case?

You should only speak with your attorney about your case while it is active.

If I am already being represented by a Public Defender and get rearrested, do I automatically get a Public Defender assigned to represent me on my new charges?

No. You must apply for a Public Defender for each individual case.

When I bond out of jail will my lawyer contact me?

No. You must contact your lawyer. It is important to make sure your attorney, your bondsman and the Clerk of the Court always have your current address on file. The Clerk's office mails out court notices. It is your responsibility to notify the Clerk of the Court of any changes of address. Do not rely on filing a change of address with the Post Office to receive your court notices. If you fail to appear because you did not provide the Clerk with your current address information a bench warrant could be issued for your arrest.

I've never committed a crime before, does the prosecutor care?

Your criminal history and background could play a major role in the outcome of your case. That being said, the prosecutor deals with 1000's of criminal defendants each year, and don't have the time or patience to decide who deserves special treatment. It's up to your attorney to present your history and background in the most favorable way.

Will the judge care that I'm a good person?

Judges will know very little about you during your case. The judge is not in a position to distinguish between the good people and the bad people. The judge will get a first impression based on your appearance and your speech, but it's up to your attorney to add additional detail. At sentencing, the judge is provided with a background report by probation, which will attempt to humanize you in a good or bad way.

Will what I say to a public defender investigator be kept confidential?

The attorney-client privilege concerns the confidential communication between lawyer and client which cannot be disclosed to anyone without the consent of the client. This same privilege extends to ALL employees of the Public Defender's Office, including investigators.

Will a Public Defender fight for me?

Tirelessly, fearlessly, and with compassion! The primary responsibility of the PDO of Isabella County is to provide vigorous legal representation to all persons who have been accused of criminal misconduct but are currently unable to afford to hire private defense

counsel. If appointed to represent you, the public defender's only loyalty is to you, our client.

What should I do if a family member or friend is arrested?

If a friend or family member is in jail, and you are trying to get helpful information, the most important thing you can tell your friend or family member is:

"While you are in jail, DO NOT discuss the facts of your case with anyone. Do not talk with the police. Do not talk with other inmates. Do not talk to your friends and family over the phone about facts of the case. Wait until you meet your lawyer to talk about the facts of your case because only conversations between you and your lawyer are protected by attorney-client privilege and are confidential, and only your lawyer will be able to give you accurate, reliable advice about how to proceed with your case.

REMEMBER: ALL CONVERSATIONS BETWEEN ANYONE OTHER THAN YOUR LAWYER ARE RECORDED."

I was arrested weeks ago, but not charged yet – what's going on?

This is a very common occurrence in Michigan. An arrest conducted by the police department does not automatically create a criminal charge. The case must be reviewed by the prosecutor before someone is charged. For many misdemeanors, and some felonies there will be a delay between the arrest and the charge. This is very common for drunk driving crimes, and drug offenses where the evidence must be tested at the lab to make sure the confiscated evidence is actually an illegal drug.

Should I tell the truth to my attorney?

Absolutely! Your attorney is obligated to keep all conversations and information confidential. If you don't tell your attorney the truth then your attorney is defending you with one hand behind his/her back. It's common for a client to leave out important details, and the attorney is put in a bad position or surprised when the information is made available. It may be too late to recover from this lack of information.