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Involuntary Confessions

Many people cannot understand how a suspect can confess to a crime and then claim it was involuntary. The reality is that law enforcement is quite good at eliciting admissions through fear, threat or promise.



Miranda

Miranda warnings were designed to prevent coercive tactics by police during questioning. However, all confessions are subject to challenge; whether they were given freely is evaluated under a totality of the circumstances approach.

Relevant Factors

The nature of the defendant is an important consideration; the more vulnerable the defendant, the more likely it is that a court will find the police tactics abusive. The individual's age, intelligence and mental health are factors, as well as the nature of the investigation itself. For example:

- 1. The length of the detention and interrogation
- 2. The repetitiveness of the questioning
- 3. The use of sleep or food deprivation

What's My Bail Going to Be?

After you have been arrested, you will want to know what is quickest way to gain your release. For many offenses, bail will be required.



The Purpose of Bail

The posting of bail is designed to insure your appearance at court until a final resolution of the matter is reached.

Factors in Determining the Bail Amount

The judge will set bail based on the consideration of all relevant factors including:

- 1. How serious the charges against you are
- 2. Any prior history you may have complying with terms of release
- 3. Your ties to the community, (e.g. family, employment)
- 4. Your financial assets

Factors Your Criminal Defense Attorney Can Emphasize in Advocating for Bail

Based upon the individual circumstances, your lawyer may be able to suggest to the court that the charges are not serious, conviction is not assured and your community ties are strong.

Plea Bargaining Strategy

In many cases, you will be tempted to accept a plea agreement the prosecutor offers in order to gain release from custody sooner rather than later. Whether or not that is in your best interest is a matter to be determined.



The Timing of a Plea

Many magistrates cannot accept a plea at an initial appearance on a serious charge. Additionally, it is usually wise to wait and see just how strong the case against you is.

The Consequences of Accepting a Plea

Many defendants face the dilemma of wanting to plead not guilty but may not be able to make bail, which means spending time in jail until the trial. Pleading guilty may mean a sentence that involves probation. However, you must be realistic about your ability to comply with the terms of the probation. Probation violations can trigger harsh jail sentences.

Your case is important to us. If we can't help you, we'll do our best to refer you to someone who can.

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