

Being charged with a criminal offense is one of the worst experiences a person can have. Some already know it may be coming as they have been questioned by the police or other law enforcement entity. Finding out that you made your case easier for the police to charge you throws fuel on the fire.

Most of us were taught to tell the truth and to cooperate with law enforcement authorities. For the most part, that is very noble, but in some cases you may have caused yourself further problems. Everyone can recite the Miranda warnings from the police shows on television:

“You have the right to remain silent; anything you say can and may be used against you. You have the right to an attorney...”

Miranda warnings are your reminder that you have Constitutional rights. Those rights are for your protection referring to your

innocence. Even if you are guilty of some crime, these rights protect you from making a matter more serious than it already may be. In my experience, I have represented persons after the fact, and undoubtedly they have made their case worse.

The way you say things, answer questions, or (in a clumsy fashion) try to avoid the truth often digs the hole deeper. Most police and law enforcement are well-trained in interrogation techniques. This is part of their job, and they are good at it. They have no problem scaring you with threats of detention, charging you with numerous varieties of crimes (“throwing the book at you”), tricking you, or even lying to you. Why would anyone ever place themselves in such a position? People do, and do so all the time.

At my firm, we insist on being with our clients anytime they speak to the police. In some cases, I will tell the police we do not want to speak with them. This is done respectfully and usually with the mindset that there is nothing to be gained by helping the police build a case against a client.

Being too agreeable is also problematic. There seems to be a mistaken thought that “if I cooperate, even to my disadvantage, the officer will go easy on me.” Allowing a search of your automobile, person or home usually goes bad. You have a right to deny a search. Without a warrant, most searches and seizures are illegal, even if contraband is found. That illegal search may be cause for the court to throw the charges out. If, however, you agree to a search (without a warrant), you have no relief—meaning you will be charged and the charges will lead to the filing of a criminal complaint.

Please note that nowhere have I suggested that anyone be anything less than courteous. At no time should you threaten a police officer with legal action, insult or become personal. Never be physical. That will only lead to heavier charges, including but not limited to aggravated assault, which is a felony in Pennsylvania.



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This **Industry Insight** was written by John (Jack) Haller, Esq.

Jack Haller has over 25 years of legal experience, representing clients in nearly every county in Western Pennsylvania. He has practiced in a wide range of areas, including criminal, family and business law. He was also on the faculty of Slippery Rock University of Pennsylvania for over 15 years where he taught business law, management, and other business courses. Attorney Haller received his law degree from the University of Akron and his undergraduate and graduate degrees from Indiana University of Pennsylvania. Additionally, he is a member of the Pennsylvania Bar Association, Butler County Bar Association and served as legal counsel for the Butler County Humane Society.