



ARREST INFORMATION

Many people have been arrested at various anti-war events. The National Lawyers Guild has provided or found lawyers for dozens of those arrested. However, we are not in a position to offer everyone a lawyer. Some of our lawyers only work on civil matters, such as protecting First Amendment rights, and do not practice criminal law. We hope to line up more attorneys in the future and have scheduled a training program to try to get more attorneys involved in this work. Keep in mind that all of the lawyers we are working with are taking these cases for free and many can only take one or two cases because of other work commitments.

As much as possible, we want to encourage people to use court-appointed attorneys. Many court-appointed attorneys are outstanding lawyers and will do a good job handling your case. By relying on court appointed lawyers as much as possible, our volunteer lawyers can help those who may not be entitled to a court-appointed lawyer and those who end up with court-appointed lawyers they are not happy with.

To help you navigate the court system, here is some basic information about the charges against you and what to expect in the court system.

You have been arrested for a misdemeanor. Misdemeanors are offenses that are punishable by fines and county jail time. The maximum punishment for failure to disperse is a \$1,000.00 fine (plus penalty assessments that will more than double this amount) and six months in the county jail. However, in most cases of civil disobedience that have occurred in the City of Los Angeles over the last decade, individuals have not been sentenced to jail.

Most individuals arrested during anti-war protests are within the jurisdiction of the City of Los Angeles and will be prosecuted by the Los Angeles City Attorney's Office. Some individuals may be prosecuted by the Los Angeles District Attorney's Office if the arrest occurred in the unincorporated area of the County of Los Angeles. It is up to the prosecutor to decide what charges will be filed against you in court.

If you were released without posting bail, it is likely that the court will not require that you post bail at your arraignment. However, if you fail to appear at your arraignment, and do not make arrangements with an attorney to appear on your behalf, a warrant will be issued for your arrest.

At your arraignment, you have the right to an attorney appointed by the court if you cannot afford to pay for one. The Los Angeles County Public Defender's Office is the principal office that provides criminal defense services. It has a list of frequently

asked questions about the services of its office, how an attorney is appointed, and other issues. You can find this information at <http://pd.co.la.ca.us/FAQS.html>.

Because many individuals may be prosecuted in the same case, the Public Defender's Office may determine that it has a conflict of interest and cannot represent everyone. If this occurs, a lawyer from the Alternate Public Defender's Office or a private lawyer will be appointed to represent you.

You only have a right to a court-appointed attorney if the prosecutor has filed misdemeanor charges against you. If the prosecutor decided to file an infraction, you do not have the right to a court appointed attorney and you do not have the right to a jury trial as you would if a misdemeanor charge is filed against you.

After discussing your case with an attorney, you will enter a plea. (In some cases, your attorney may try to continue the arraignment.) You can plead not guilty, guilty, or no contest. There are also some specialized responses that the attorney may bring in some cases. If you enter a not guilty plea, future court appearances will be required. ***Your case will not go to trial on the date of your arraignment.***

Some people engaged in civil disobedience may believe they should enter a guilty plea. Although you may have deliberately broken the law, there is no requirement that you plead guilty. The government has the burden of proving you guilty. You have no obligation to help the government.

With the help of an attorney, you may be able to get a better deal than if you simply enter a guilty plea to the charges brought by the prosecutor. If possible, you want to try to avoid a misdemeanor conviction and don't want to be placed on probation. Being placed on probation may limit your ability to engage in other protest activity. Your attorney will help negotiate the best disposition for you.

You have a right to a trial and, if the offense is a misdemeanor, you have the right to a jury trial. In many cases, the sentence you receive if convicted at trial is harsher than the sentence you can negotiate prior to trial with a plea bargain.

To date, many people arrested during anti-war protests have been able to have the charges reduced to an infraction. An infraction is not punishable with jail time and you cannot be placed on probation. However, some people with prior convictions have not been offered infractions.

Remember, your individual case will have to be discussed with an attorney. The first issue that should be explored with your attorney is whether the government has sufficient evidence to convict you of any crime.

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