

## Criminal Law FAQ

Do I really need to hire a lawyer?

Although you are never legally obligated to have an attorney, it is usually a good idea to retain an attorney who is skilled and experienced in the area of law relevant to your needs. Many courts are reluctant to allow defendants to represent themselves. A skilled attorney will know the options available to you, will be skilled in the art of plea negotiations and can advise you as to whether a plea or a trial are in your best interests. I'm only charged with a misdemeanor. So what if I plead guilty?

If you plead guilty to a misdemeanor, you will, in most cases, have a criminal conviction. In other words, you will have a criminal record. On employment applications, you will have to divulge that you have a criminal record. Some careers will no longer be available to you, as a criminal record automatically acts as a bar to certain jobs. So if I plead guilty to a violation, I'll just have to pay a fine or do some community service, right?

Wrong. Violations carry possible jail sentences. Additionally, there are hidden consequences to some pleas. For example, if you are a college student in receipt of federal student loans, you automatically lose your eligibility to continue to receive those loans for a period of one year from a plea of guilty to possession of ANY amount of marijuana. My friend was arrested for a similar crime a few years ago in a different part of the state. I should expect the same deal as he got, right?

Wrong. Each case is different. The prosecutor and the court look at a number of factors before offering or agreeing with any plea deal. Some of the factors involved include: the defendant's prior criminal history; whether anyone was injured, and if so, how seriously; the effect on the community; whether the case got media attention; whether the victim is cooperative; the criminal history of the victim; the likelihood of success at trial; what attorney is representing the defendant; the policies of the prosecutors office (they vary from county to county). If I plead guilty in a town court, no-one will find out about it, right?

Wrong. All courts report the charges and dispositions of all cases. In addition, courts provide this information to companies who perform background checks. A conviction in any court will be reported and will show up in a background check for employment, credit applications, landlord searches, etc. The most popular City / Village / Town Courts our lawyers serve:

Albany, Altamont, Amsterdam, Berne, Bethlehem, Brunswick, Clifton Park, Cohoes, Colonie,

Coeymans, Delaware, Duaneburg, East Greenbush, Fulton, Glens Falls, Glenville,  
Gloversville, Grafton, Greene, Guilderland, Hoosick, Hudson, Johnstown, Malta,  
Mechanicville, Menands, Montgomery, Nassau, New Scotland, Rensselaer, Rensselaerville,  
Rotterdam, Saratoga, Schenectady, Schoharie, Schodack, Scotia, Troy, Ulster, Voorheesville,  
Warren, Washington, Watervliet