

The **Law Offices of Sklar Smith-Sklar**, located in Ewing, New Jersey and Bensalem, Pennsylvania represents adults and juveniles charged with criminal offenses including: drug/narcotics offenses, robbery, arson, assault, weapons offenses, theft offenses, credit card fraud, forgery, DUI, traffic violations, and other serious criminal charges. The criminal process can be complex and confusing, but knowing your legal rights can help to reduce some of the fear and anxiety that comes from being arrested. If you find yourself charged with an offense, either at the **Municipal** or **Superior Court** level, seek advise from the Law Offices of Sklar Smith-Sklar to protect your rights and help you make informed decisions.

While many criminal cases, such as robbery, auto theft, or assault, start out as complaints filed in the Municipal Court, these offenses are typically transferred to the Superior Court level located at the county courthouse. As your case moves through the judicial system, it is important to understand the process and how to protect your rights. Below is some helpful information on the criminal justice system. Please contact us if you have any questions or want to discuss your case.

ARREST

In order to be arrested, there must be what is called “probable cause.” This means that there must be a reasonable belief that a crime was committed and you committed that crime. With probable cause, an arrest warrant is not necessary. In other situations, instead of taking the accused into custody, the officer may instead issue a summons or notice to appear in municipal or Superior Court. If the accused fails to appear, a warrant may be issued for his or her arrest by a judge if there is proof of service, or evidence that the accused received the summons or notice and failed to appear.

After you are placed under arrest, you are protected by your constitutional rights as a U.S. citizen or legal resident of the United States. The United States Constitution prohibits the taking of a person’s life, liberty, or property without the due process of law. If your rights under the 4th Amendment of the Constitution are violated, any evidence that was unlawfully seized generally cannot be used against you in the court of law. Two important rights to be aware of are **right to remain silent** and the **right to have an attorney**. After your arrest, you aren’t required to say anything else to police or investigators, until you have an attorney present.

MIRANDA RULE

Under the Miranda Rule, if you are in police custody, you must be informed of your constitutional rights before interrogation begins. Your Miranda rights are as follows:

- You have a right to remain silent
- Anything you say can be held against you in the court of law
- You have a right to have an attorney present during questioning
- You have a right to have an attorney appointed if you are unable to afford one

BOOKING PROCESS

Once the arrest has taken place, the police will bring you directly to the police station for the booking process. You will be immediately fingerprinted and asked a series of questions including your name, address and date of birth. Subsequently, you will be searched, photographed and questioned about the facts of the case. Your personal property such as jewelry and money will be

catalogued and stored.

ARRAIGNMENT/CONFERENCE

Once criminal charges have been officially filed, you will be given a court date to appear at your first hearing. The arraignment shall be conducted in open court no later than 50 days after indictment by the grand jury. The judge shall advise you of the substance of the charge and confirm that you have reviewed with counsel the indictment and the discovery. During your arraignment you will be asked to enter a plea to the charges. The types of pleas in New Jersey are as follows:

- **Guilty plea:** If you plead “guilty,” you are admitting to the facts of the crime and that you committed that crime.
- **Not guilty plea:** Entering a “not guilty” plea asserts to the judge that you did not commit the crime with which you were accused. At that time, pre-trial or trial dates will be set to promote a fair and expeditious disposition of the case.
- **No contest plea:** A “no contest” plea indicates that, while you are not admitting guilt, you do not dispute the charge. This is preferable to a guilty plea because guilty pleas can be used against you in later civil lawsuits.

BAIL/BOND

All defendants in New Jersey have a right to bail which must be set within 12 hours after a complaint is issued against you. In certain circumstances, if you have ties to the community and no criminal history, the judge may release you on your own recognizance, which means that the court believes that you will appear when necessary for later court hearings.

TRIAL

As the judicial process proceeds to the trial stage, the prosecutor may consider a “plea agreement” which would avoid the need for trial. Usually, if you are charged with a crime that would be punishable by six or more months of imprisonment, you have the right to a trial by jury of your peers. You may also decide to waive that right by either pleading guilty or choosing a bench trial which means a trial in front of a judge.

Remember, your rights do not end at trial! If you are found guilty, you can file an **appeal**. Your attorney will advise you of the time limits for appeal. Additionally, under some circumstances, you may be able to have a criminal record **expunged**. This means that all records concerning your criminal case are removed from law enforcement agency and court files. Seek advice from an attorney whether you are eligible for expungement.

Additionally, the **Law Offices of Sklar Smith-Sklar** also handles **immigration cases**. We handle most immigration needs and can help you secure green cards, work visas, labor certifications as well as stop deportation proceedings. With the changes that are going on in the field of immigration law, it is important to have a firm that can keep up with these changes. At the Law Offices of Sklar Smith-Sklar we can counsel you on an individual basis with respect to the new regulations.

Licensed in both New Jersey and Pennsylvania, their attorneys provide a full service legal practice

that is committed to providing personal service and a zealous representation on all your legal matters. We are located at 1901 N. Olden Ave. Suite #22 Ewing, New Jersey and serve both NJ and PA residents.