

Questions and Answers About Criminal Defense

What type of crime have I been charged with?

There are four different levels of offenses in Minnesota: the Petty Misdemeanor, Misdemeanor, Gross Misdemeanor, and Felony. They are defined by the possible sentence you could receive if you were convicted of the offense.

- A Petty Misdemeanor is a non-criminal offense punishable by a maximum \$300 fine. You cannot go to jail for a petty misdemeanor.
- A Misdemeanor is punishable by up to 90 days in jail, and/or a \$1000 fine.
- A Gross Misdemeanor is punishable by up to one year in jail and/or a \$3000 fine.
- A Felony is punishable by over one year in prison and/or more than a \$3000 fine.

It is beneficial to find an attorney or lawyer that are experienced in defending people charged with all levels of offenses.

I have been charged with a crime. What are my rights?

You have an absolute right to have an attorney represent you.

You do not have to talk to police about the crime you have been charged with. If you choose to talk to police you have a right to have an attorney with you when you do so. A lawyer or attorneys can assist you in making that decision.

You have a right to a trial by either a judge or a jury depending on the charges.

- At the trial, the State would have to prove your guilt beyond a reasonable doubt. If you choose to have a jury trial, all members of the jury would have to agree that you are guilty.
- The State must bring their witnesses against you into court and you have a right to question those witnesses.
- You have the right to subpoena witnesses to come into court and testify on your behalf.
- You have the right to either testify at your trial or remain silent. If you choose to remain silent, neither the prosecuting attorney nor the judge may comment to the jury on your decision.

You have a right to a pre-trial hearing where you can contest the evidence that the State wants to use against you at the trial.

These are very important decisions that a lawyer or attorney can assist you with.

What will happen if I am convicted?

If you are convicted of a crime the court will impose a sentence that may include any of the following:

- Jail or prison time
- Fines
- Community Service
- Electronic Home Monitoring
- Probation conditions, such as:
 - No-contact orders
 - Education requirements (Anger Management, DWI Education, Victim Impact Panel Attendance, etc.)
 - Abstinence from chemical use (alcohol and drugs)

In addition to jail time and fines, there are other possible consequences (collateral consequences) if you plead guilty or are found guilty at a trial.

- Traffic offenses and DWI offenses may result in your driver's license being suspended or revoked.
- If you are convicted of a felony, you will not be allowed to possess a firearm under state and federal law.
- Conviction of certain offenses can require you to register with the State as a predatory offender.
- Conviction of certain offenses may result in suspension or revocation of certain professional licenses.

If your decision is ultimately to plead guilty, lawyers or attorneys can negotiate the best possible outcome for you and can help you understand or avoid the collateral consequences of a conviction.

What can a criminal defense attorney do for me?

The legal system is complicated and confusing. A criminal defense attorney or lawyer can:

- Represent you while your case is being investigated and try to prevent criminal charges
- Challenge evidence against you and make sure illegally obtained evidence or inadmissible evidence is not used at your trial
- Determine whether you have any legal defenses to the crime you have been charged with that could result in the charges being dismissed or an acquittal at trial.
- Negotiate with the prosecutor to get you the best outcome possible if you decide to plead guilty to the charges.

The information you obtain from this article is not, nor is it intended to be, legal advice. You should consult an attorney for individual advice regarding your own situation.

About the Author

A [criminal defense lawyer or attorney in Minneapolis MN](#) at a local law firm can provide you with an experienced [criminal defense attorney or lawyer in Minnesota](#).

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