



Arrested For A Crime.

NOW WHAT?

Info That May Be Helpful In Your Case

Arash Hashemi, Esq.

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TESTIMONIALS

"I met Arash last year and he was very helpful to me. From the first second he started my case, he was updating me every day. He managed the dismissal of my case in a very professional way. His fees were also very reasonable. He is an attorney who takes care of his clients."

- Amir

"Arash Hashemi and his staff are amazing. Arash not only helped me with my legal problems, he also made sure I understood every step of the process. I highly recommend the Law Offices of Arash Hashemi."

- A criminal defense client

"My best friend told me about Arash Hashemi. I was hoping to never need an attorney again. He is very prompt and easy to talk to and has taken care of my case. I'm so happy with the results!!!!!! There are too many amazing things to say about him!!!! I give him a 20 out of 10. If I had to recommend an attorney, I would use Arash Hashemi as the best and happy to say I met a nice person out of this."

- A satisfied client

"A trustworthy and competent lawyer is truly hard to find, but look no further than Mr. Hashemi. If you happen to get into trouble with the law, you'll need his expertise to navigate the system in order to receive a favorable outcome. He's defiantly a man you can rely on and his guidance is invaluable. Thank you Mr. Hashemi for your service!"

- Mekah

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AUTHOR INTRODUCTION

As a young child Arash Hashemi wanted to grow up to play professional basketball in the NBA. One day, while in the 8th grade, a family friend told him “you should be a lawyer.” From that day forward being a lawyer is all Arash thought about. In December of 2002, he was admitted to practice law in the State of California. Since then Arash Hashemi has handled a wide variety of cases, ranging from simple traffic tickets, misdemeanors, complicated felonies to high profile cases.



Arash is Dedicated to Serving His Clients

Arash Hashemi is focused on protecting the rights of those who have been arrested. The single most important step you can take after an arrest is to contact an experienced lawyer. The Law Office of Arash Hashemi is known throughout Los Angeles for helping clients charged with all misdemeanors and felonies. We recognize the seriousness of your situation, and we are prepared to support you at every stage of your case.

Education

J.D., University of La Verne College of Law, 2001

B.A. History, California State University, Northridge, 1998

Bar admissions

State Bar of California

U.S. District Court for the Central District of California

Professional memberships (current and past)

American Bar Association

Criminal Courts Bar Association

California Public Defenders Association

Los Angeles County Bar Association

Beverly Hills Bar Association

Century City Bar Association

San Fernando Valley Bar Association

Culver Marina Bar Association

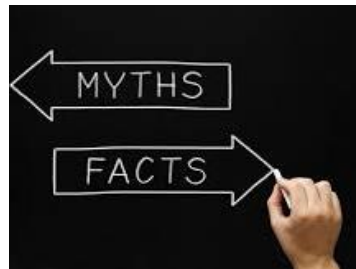
Iranian American Bar Association

Iranian American Lawyers Association (Board Member)

TOP MISCONCEPTIONS PEOPLE HAVE ABOUT BEING ARRESTED FOR A CRIME

People think that only those who are guilty of committing a crime are arrested. In fact, in many cases the wrong person is arrested by law enforcement.

People also have a misconception that just because they have been arrested, their life is over. However, the American justice system is set up so that every person is innocent until proven guilty. This burden of proof is with the prosecution. Meaning the government must prove that the person who was arrested is actually guilty beyond a reasonable doubt.



How Do People Unintentionally Incriminate Themselves And Hurt A Pending Case?

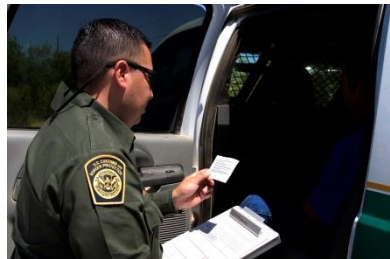
People often speak to the police before they are arrested because they get scared, and usually end up confessing without realizing it. The same is also true after an arrest. Most people do not exercise their right to remain silent. They believe it when the police tell them “We just want to help you.” This is a common tactic used by the police to

get the person talking in order to gather evidence against them.

Are There Misunderstandings Or Misconceptions Surrounding Miranda Rights?

Yes. Miranda Rights come into play after an arrest has been made. The common belief in most cases is the police would actually have to handcuff a person and tell them they are under arrest.

Sometimes the police will handcuff a person and have them sit on a curb, however that does not mean they are actually under arrest. This tactic is often used by police for safety reasons. It also creates a loophole so the police would not actually have to read one their Miranda Rights. However, one can argue that because of the fact they were put in handcuffs and asked to sit in a certain place, meaning they were not free to leave, they were actually under arrest. This argument can also be made even if handcuffs were not used. In any case the best thing a person can do if in this situation is to be polite and tell the police they wish to remain silent.



The most important thing about Miranda Rights is that once a person is arrested and their rights are read to them, in order to exercise the right to remain silent, they would actually have to speak up and say, “I want to remain silent”.

How Do People Behave Or React When Arrested Or Prosecuted For Crimes?

The first thing most people do is worry and make the mistake of thinking they can talk their way out of the situation.

A lot of people do not realize they have a right to an attorney of their choosing. Meaning, they do not have to go with the Public Defender or a court appointed attorney. Most people also do not realize they do not have to take the initial offer being offered to them by the prosecution. Most people who are prosecuted for a crime do not know how the criminal process works and that they have the ability to fight, and in some cases, have the charges dismissed.



How Public Would Someone's Situation Be If They Were Arrested?

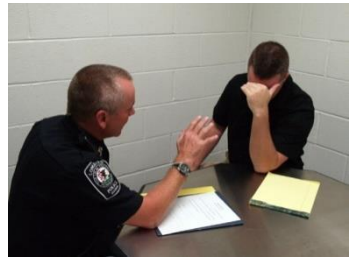
Once somebody is arrested, his or her name would actually go into a public database. The following day, any member of the public will be able to get a list of the people arrested in that county. However, since a lot of people do not actually know such a list exists, someone's arrest would not be as public as they think it would be.

Their place of employment and their friends and family would not be notified unless they access the database. It would actually remain a private thing unless somebody does a background check, in which case it would show the person had been arrested.

ARE POLICE ALLOWED TO LIE DURING QUESTIONING OR INTERROGATION?

Yes, the police would be allowed to lie to the person during questioning. There is actually a Supreme Court case (*Frazier v. Cupp*, 394 U.S. 731 (1969)) that addressed that issue and said that police are allowed to “lie” during their investigation.

One tactic the police use is to lie to get a confession. Let's assume it is known by the police that a person had committed a crime, but without a confession it cannot be proven in court. The police might tell the person they were there to help them and to just tell the truth; and that if the person did not tell the truth, it would be too late and the case would go to court and then the police would not be able to do anything for them.



In a co-defendant case, the police usually place one co-defendant in one room and another one in a separate room. The police will then talk to one defendant and tell him or her to just tell the police what happened and admit what she or he did. The police might say that the person's friend had already told them what happened but they just

wanted to hear it from the person's own mouth. In fact, the friend had not said anything to the police at all. This is just one example of a deceitful tactic police use during interrogation and it is perfectly legal.

Is It A Sign Of Guilt If The Person Refused To Answer Questions And Chose To Remain Silent?

A lot of people feel intimidated to ask for an attorney and many more people think that the police would automatically assume they are guilty if they do ask for an attorney. Police know this and will often use this knowledge to dissuade people out of requesting an attorney.



Not asking for an attorney is one of the biggest mistakes people under investigation make. One should never speak to the police without their attorney present.

How Would Someone Know They Were Under A Criminal Investigation Or Being Charged?

In most cases when someone is charged with a crime they are either arrested and/or notified of the charges in writing. However, one might never know they are under criminal investigation until after charges are brought.

Obviously the police will not inform the public of a “stakeout” or an undercover investigation, so in those cases one would not know they are under investigation. In most cases one will find out they are under criminal investigation when initially contacted by a law enforcement agency. Sometimes the contact is by a letter informing the person the police want speak to them.

Is The Person Obligated To Meet With The Police Or Detective, And Can They Go In Without An Attorney?

One is not obligated to meet with the police or detective, and I highly recommend against willingly letting the police interrogate you.

The police would not be questioning a person because they want to help him or her. The police want to question one because they



think he or she is a suspect. Voluntarily speaking to the police, specially without an attorney present, will usually result in an arrest.

Should The Person Be Nice And Agree To Meet With Police?

I always advise my clients not to speak to the police voluntarily or at worse without an attorney present. Some people think “I have done nothing wrong” and/or “I have nothing to hide, why should I be afraid of speaking to the police?” Even though these statements might be true, walking into police station



and speaking with the police can be a very intimidating experience. Usually it takes place in an interview room, with no one there except you and the police. One, sometimes two, police officers will be asking questions and trying to trip you up. It's their job to try to gather evidence so they could build a case and present it to the district attorney. Some people feel that if they did go in with an attorney, it would just give the police more reason to arrest them. This is far from the truth. You are just exercising your constitutional right if you went in with an attorney, and there is nothing wrong with that.

HOW DOES BAIL WORK?

In every case that bail is granted, one can bail out if they can afford to pay the entire bail themselves. Once the case is finished, that amount would be returned to them.

Are All Charges Bondable Or Bail-Able?

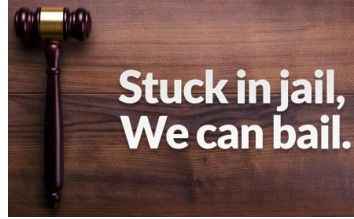
In Los Angeles County all charges except Murder with Special Circumstances are bail-able. Once someone is arrested, the bail would be set according to what they had been arrested for. There is actually a statutory bail schedule that states each crime and the bail amount for it.



Anybody who has been arrested would be able to bail out unless they have a “hold” on him or her. This could be an immigration hold, meaning ICE wants to speak to them, or it could be a hold from another jurisdiction. For example, another county or another state wants the person to appear in their jurisdiction.

How Do Bail Bondsmen Work?

Someone who can afford to pay the entire bail him or herself would have to get a bail bondsman. A bail bondsman would basically put up all the money for the person and they would then charge that person a certain percentage such as 10, 9 or 8. The money paid to a bail bondsman would not be refundable back to the person.



Let us suppose the person had a bail of \$100,000. They would have to pay a bail bondsman \$10,000 and the bail bondsman would put up the entire amount of the bail. The \$10,000 would be gone and once the case was over, the bail bondsman would get his money from the court. If the person fails to show up for court, the bail bondsman might send his agents or bounty hunters, as they are called, to go find the person and bring them back to court.

WHY SHOULD PEOPLE HIRE EXPERIENCED PRIVATE ATTORNEYS?

Defendants should never represent themselves. There is an old saying that goes: “An attorney who represents himself has a fool for his client.” Meaning that someone who represented him or herself would be a fool because their judgment will be clouded. That person would no longer be able to look at the case from a neutral point of view but rather they would be emotionally involved in it, which would result in making unsound decisions.



This also applies for any layperson that would want to defend themselves. He or she would not be able to handle it, not only because they would not have the legal background but because their personal feelings would come into play and cloud their judgment.

Why Hire Private Attorney As Opposed To A Public Defender?

A public defender is qualified and he or she would know what he or she is doing. However, most public defenders get a large number of cases assigned to them daily. This is especially true in the arraignment courts. A private

attorney only goes to court just for their client. A private attorney's client gets the attention he or she needs and their attorney is there for them in every step of the case.

A person without a private attorney would have to sit and wait their turn to talk to the public defender. The first time they will meet their public defender would be in court.

In most cases, someone who has been arrested is afraid and needs somebody there to answer questions and to explain the process to them. A private attorney can prepare their client before the first court date so when that day arrives the client fully understands the road ahead.



Most people who went with the public defender, often feel they did not get an adequate representation no matter how good their public defender is. This feeling is a result of the public defender not having enough time for client.

What To Look For When Hiring A Criminal Defense Attorney

Somebody who is looking to hire a criminal defense attorney should hire an attorney who exclusively handles criminal defense. Some attorneys out there practice

criminal defense along with other fields of law, and some of them are actually great attorneys. However, an experienced attorney who handles criminal defense exclusively is more versed in that area of the law.

How Often Can You Get Charges Either Dropped, Dismissed Or Reduced?

This actually happens more often than people think. About 80 percent of the cases I have handled have been dismissed, dropped or reduced to a lesser crime.

Without a doubt my goal is always to get charges dismissed. If I cannot get the charges dismissed, I would always do my best to get them reduced.

Obviously, the situation, the client's background and history come into play. Two different people with the same charge will obtain different results because of their background.



Do Most Cases End Up Going To Trial Or Do They Settle?

In my opinion about 80 to 90 percent of cases settle. The reason why a case is settled varies from case to case.

WOULD SOMEONE NEED AN ATTORNEY IF THEY PLANNED TO PLEAD GUILTY?

Yes, most people think they would not need an attorney because they are planning to plead guilty. That is the wrong way to think about it because this is when they need an attorney the most.

An attorney could help get a better deal, and can help understand what you are pleading to. An attorney can help explain any concerns that may arise because of the plea, such as any immigration consequences or any consequences that might endanger the person's driving license, their work, etc.



What Do You Tell Clients Who Want To Plead Guilty To Get The Case Over Faster?

Some people actually come to an attorney because they feel they are guilty and they just want something less than the punishment that is on the books. If a client is guilty and just wants to get it over with, I would evaluate the case with them and tell them what our strategies are and what I could do for them as far as getting them a plea deal.

People usually should not throw themselves on the mercy of the court unless that is their only option. If a person wants a deal, I would approach the district attorney and tell them that I would like to resolve this case. I would invite them to come to an understanding that would be acceptable to both the district attorney and my client.

At What Point Could Someone Enter A Plea Of Either Not Guilty Or Guilty?

A not guilty plea is entered at the arraignment. A guilty plea could also be entered at the arraignment or in later court proceedings after the arraignment has concluded.

I never let my clients plead guilty right off-the-bat, because I always want to evaluate the case, consider the offer I receive, see if I could get my clients something better, and see if the case should not have been filed in the first place.

A plea could be entered at any stage of the court proceeding and it would not necessarily have to be done at a specific stage. So why rush it?

DIFFERENCE BETWEEN A MISDEMEANOR AND A FELONY

The basic difference between a misdemeanor and a felony is the punishment that goes along with each. Misdemeanors in California usually result in 364 days or less in a county jail and/or a \$10,000 fine or less. In a felony, the fine is more than \$10,000 and the jail time would be more than 365 days, which would usually be spent in state prison.



How Much Would A Prior Play Into Resolving The Case And Sentencing?

This would depend on what the arrest was for and/or what the prior conviction is for, and when it happened. Obviously, an arrest and conviction are two different things, and being arrested on a prior occasion would not be as serious as a prior conviction.

An arrest would mean the police or the government believed the person committed the crime but at some point, the case was either never filed or it was dismissed. In this case, one's criminal record would still be "clean". A conviction would be different; it would tarnish one's

criminal record, making it harder to negotiate a great plea deal. It would also not help if the conviction was recent and/or similar to the current charge(s) the person has been arrested for.

California has a three-strikes law, so if the person's past conviction was a "strike" and their new charge is a felony, the previous strike could double up the prison time the person is facing. A third strike that could result in a life sentence.



ALTERNATIVE PUNISHMENTS TO JAIL IN CALIFORNIA

This would all depend on the actual crime the defendant is being charged with. One of the most common alternatives is “Prop 36”, which is a program designed for those who are charged with minor drug offenses.

If somebody has a drug problem in California, the courts and the government usually look to rehabilitation rather than punishment. Drug court is another one of these alternative programs. The case would get transferred to drug court. This court would be designed to handle the case and places strict conditions on the offender. Failure to comply with the conditions of drug court could result in the case being sent back to a regular court for prosecution.



Another alternative is called DEJ, or “Deferred Entry of Judgment”. This means the court would allow a person to enter a guilty plea to a crime, whatever crime that may be, either the crime the person was charged with or a lesser crime. The court would not sentence the person and

instead would give them a task to do ,like community service or a program within a specific period of time.

The person will come back to court after that date, and if they have done everything asked of them, the court will dismiss the case and the plea would be thrown out. In some cases the initial plea might be to a felony offense and once the conditions of the DEJ have been met, that felony plea will be thrown out and a misdemeanor plea will be entered in its place.

In some cases community service or community labor might be available instead of jail.

WHAT HAPPENS AFTER GETTING OUT OF JAIL TILL GOING TO COURT?

Someone who was arrested would have to be brought to court within 48 hours if they were not able to bail out. If they were able to bail out, a future court date will be set for them to appear.

It would be a wise decision to hire a private attorney between the time someone is released from jail until their court appearance. The sooner an attorney is hired,



the better it is for the client. This allows the attorney to start preparing a defense and in some cases prevent any charges to be filed at all.

Does Having A Job, A Family And Being A Good Citizen Matter In Front Of The Court?

This would actually come into play a lot when trying to settle the case. The DA or the City Attorney look at these facts when presented by a defense attorney. The justice system is usually willing to give a second chance to some people.

If two people were arrested for the same crime and similar set of fact, but one had a clean record, a steady job and family support, whereas the other one had a very bad record, each one would probably get two completely different deals from the DA.

Arrested For A Crime. Now What?

Info That May Be Helpful In Your Case

"I met Arash last year and he was very helpful to me. From the first second he started my case, he was updating me every day. He managed the dismissal of my case in a very professional way. His fees were also very reasonable. He is an attorney who takes care of his clients."

- Amir

"Arash Hashemi and his staff are amazing. Arash not only helped me with my legal problems, he also made sure I understood every step of the process. I highly recommend the Law Offices of Arash Hashemi."

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- A Satisfied Client

"A trustworthy and competent lawyer is truly hard to find, but look no further than Mr. Hashemi. If you happen to get into trouble with the law, you'll need his expertise to navigate the system in order to receive a favorable outcome. He's defiantly a man you can rely on and his guidance is invaluable. Thank you Mr. Hashemi for your service!"

- Mekah

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