

El Derecho Del Pueblo

Columna de comentario [Social Justice Rising](#) sobre la policía abogado y maestro Matthew “Mateo” Katz.

The People’s Right

A column of social comment [Destiny](#) and legal advice by attorney and teacher Matthew “Mateo” Katz.

So you forgot to pay for that CD at Best Buy and the police have arrested you for retail theft. Or, you shared your friend’s marijuana cigarette and were arrested later when searched by the police who found the remains of this in your pocket, and you’re charged with unlawful possession of a controlled substance. You’ve been released from the police station but you now have to go to court on these charges.

In court, the public defender tells you that all you need to do is “plead guilty” to the charges and you’ll just get a small fine and probation. You say, “okay,” I don’t want to pay for a lawyer anyway, and you go before the bench admitting guilt to a crime that there may be a solid defense for.

If, for example, you didn’t steal the CD or were illegally searched by the police

who found the marijuana on you, there are things you can do to challenge these charges. You can demand a trial, motion to suppress the evidence, demand discovery materials from the State... there are many methods of attacking a criminal case.

But, you don’t want to “bother” with all the trouble, so you just plead guilty. You go before the judge and she asks you a series of questions: “Do you understand that you have a right to a trial? Do you know what a trial is? Do you voluntarily agree to admit that you are responsible for these charges? Did anyone coerce you or force you to accept this plea?” among other questions.

You mumble a “yes” in answer to these, and the court finds you guilty and sentences you to a fine of \$1,000 and a year of probation. “No problem,” you think to yourself. “I probably would have had to pay more than that for an attorney anyway,” you think. The problem is, there are always consequences for our actions...

Several years later your citizenship petition is returned by Immigration marked “DENIED.” As you look at the paper detailing the reason for your denial, you see a reference to that tiny little criminal conviction of some years ago, that you thought was “no big deal.” Now, because of this, you can’t get your papers!

Next, after your big graduation party with family and friends for finally completing your Bachelor’s degree in Secondary Education, you apply to the Chicago Public Schools for your first teaching position. The application is returned “DENIED,” again citing this conviction.

Finally, after instead working at White Castle for quite some time to save up enough to buy your first home, your mortgage application is returned “DENIED” again citing this conviction as the reason your credit rating is so low...

“AURGH!! You scream!” All of this for one measly misdemeanor??? Okay, these events are not certain to happen, but are absolutely strong possibilities if you agree to plea guilty without first thinking twice! I suggest, to almost always, DEMAND your right to demand a jury trial right in criminal court!