

Important Announcements for Protestors Facing Charges

If you were arrested and/or ticketed during any of the protests in Detroit against police brutality or opposing the premature opening of Detroit Public Schools, you should know that the City of Detroit has started entering those tickets into the system, which means 36th District Court has begun scheduling court hearings.

Several legal organizations have agreed to provide lawyers, free of charge, for any person arrested during the protests. You should take advantage of this opportunity in order to ensure the best possible outcome for you regarding these cases.

To find out if your case has been scheduled and the lawyer who has volunteered to represent you, you should contact the National Lawyers Guild hotline (313-925-2626) or email admin@michigannlg.org. Please call early and be patient as there are many people who have been arrested and the hotline is being staffed by volunteers.

The steps in the legal procedure involve the following: an arraignment, one or more pre-trials, and a trial, either by judge or jury. At this point all of these are being conducted by Zoom. Here is what will happen at these procedures.

What is an arraignment? Arraignments are the first scheduled court hearing of any criminal case. The Judge has to tell you the charges against you and will then ask you and your lawyer how you want to plead. You can plead 'guilty', 'not guilty', or, in some circumstances, you can plead 'no contest' which has the same effect as a guilty plea. The choice of what to do is yours, but you should consult with your attorney before doing so. In almost every case, it is to your advantage to plead 'not guilty' or have your lawyer plead 'not guilty' for you, among other things because an important way of resisting police brutality is to have trials in which it is exposed to the public and the defendants can be exonerated. It is important for the movement as a whole to fight back against all the bogus charges that have been brought against it. Pleading 'not guilty' is the only way there is a possibility of getting the case dismissed.

After you plead, the judge will then set a pre-trial date and will set a bond to guarantee that you will come to that hearing. In almost every case, you will not have to post any money. If, however, you have unpaid tickets, a warrant of some kind against you, or a record—or if you have some other circumstance that may affect your desire or your ability to come back for future court hearings—you should definitely talk with your lawyer about this as soon as possible. Your private talks with your lawyer about such matters are completely confidential.

The judge is not allowed to consider anything about the merits of your case so neither you nor the prosecutor will be allowed to say anything about what happened other than what is being charged.

You have a right to have an attorney with you at your arraignment, but you do not have to. If you do not have one, you may be introduced to an attorney who is assigned to the courtroom as House Counsel, who will offer to represent you. You may accept or reject this attorney's assistance. However you decide to proceed, it is still almost certainly to your advantage to plead 'not guilty' and ask for a pretrial. You can still get a lawyer through the National Lawyers Guild and the legal coalition after arraignment if you plead 'not guilty'.

You should definitely attend your arraignment and all other proceedings (on Zoom as long as that is the way the Court is operating) because the Court may issue a warrant for your arrest if you do not.

What is a pre-trial conference? At the pre-trial conference, your lawyer, who will be cooperating with other attorneys representing other defendants, may file legal motions to get the charges against you dismissed. He or she may also attempt to persuade the prosecutor to drop the charges. It is also possible that the prosecutor will offer some kind of deal. The lawyer will tell you what that offer is and discuss it with you. The choice whether to accept any deal is yours.

If your case is not dismissed due to a motion, a voluntary dismissal by the prosecutor or a deal, the judge will set a trial date. Deals may still be negotiated and agreed upon before the trial date, which would finish the case.

What is the trial? Your case may be consolidated with some of the other protestors. In a group or singly, however, it will be tried before a jury drawn from the City of Detroit. We believe that a Detroit jury will be sympathetic to the protests and angry at the police, in part because many Detroiters have had their own experiences with the police.

You can in theory represent yourself, but we would definitely recommend having a lawyer represent you at trial.

Do I have to fight this alone? No. We recommend that those looking to fight against the charges do so as part of a collective defense. This not only increases the chances of beating the charges but adds to the power and resistance of the movement.

How can I look up my case? You can either contact the National Lawyers Guild - Detroit Chapter (they would actually love to hear from you) and/or look up your name in the 36th District Court (<https://dapps.36thdistrictcourt.org/ROAWEBINQ/>).

This statement is issued by Tristan Taylor of Detroit Will Breathe

This statement has been endorsed by the Detroit Coordinated Defense Coalition, which is composed of the following organizations:

Detroit and Michigan Chapter of the National Lawyers Guild

National Conference of Black Lawyers, Detroit Chapter

Detroit Justice Center

Neighborhood Defender Service of Detroit

Wayne County Criminal Defense Bar Association

Michigan Liberation