

## **CRIMINAL DEFENSE:**

### **Avoiding the Pitfalls**

*By Victor Revill and George Bulls, II*

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IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, ALABAMA

STATE OF ALABAMA,

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CASE NO.: DC-2019-\_\_\_\_\_

\_\_\_\_\_,  
Defendant.

**MOTION FOR BOND REDUCTION**

COMES NOW, the Defendant, Mr. \_\_\_\_\_ and through his undersigned counsel of record respectfully request this Honorable Court to reduce the bonds for the defendant in the above referenced cases and therefore would show as follows:

1. Mr. \_\_\_\_\_ is currently being held for the above styled cases: (1) Attempted Bribery, where he was indicted by the Grand Jury on August 25, 2018, and has a \$100,000 bond, and (2) Attempted Murder, where he was indicted by the Macon County Grand Jury on January 20, 2018 and has a \$105,000 bond for said charge.
2. Mr. \_\_\_\_\_ bond is currently set in the amount of \$205,000 for both charges.
3. As per Alabama Rule of Criminal Procedure, rule 7.2 (b), the rules instructs the court to exercise discretion in setting bail above or below the scheduled amounts. In the instant action, Mr. \_\_\_\_\_ bond for the Attempted Bribery is almost \$40,000 above what the highest amount under the ranges would be for a class A felony. With respect to the Attempted Murder charge, Mr. \_\_\_\_\_ current bond is \$30,000 above the amount recommended for attempted murder.
4. That Mr. \_\_\_\_\_ has been unable to secure gainful employment to afford his current bonds.
5. Besides Mr. \_\_\_\_\_ federal conviction in 2008, he has no other felony convictions.
6. That at the age of 32, Mr. \_\_\_\_\_ is now in a station of life, where his once reckless behavior was that of a naïve and arrogant young twenty-something and that his incarceration opened his eyes to the life he would live once he was free – that of a law abiding citizen intent on providing the best life for him and his immediate family.
7. That Mr. \_\_\_\_\_, upon making his bonds would reside with his girlfriend at \_\_\_\_\_, Montgomery, AL \_\_\_\_\_.

8. That Mr. \_\_\_\_\_ also has his mother, brother, and two (2) sisters, all of whom reside in \_\_\_\_\_ County, Alabama as his support staff once he is released.

THEREFORE, We pray upon this Honorable Court to reduce Mr. \_\_\_\_\_ total bond to an amount less than \$75,000 for both of his current charges or for a hearing to argue for said reduction.

Respectfully Submitted on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**

Attorney (ATT000)

Attorney for the Defendant

Address

Phone #s

Email

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Bond Reduction has been served upon the District Attorney for \_\_\_\_\_ Judicial Circuit, by filing through the State's electronic filing system, alafile.com on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**

Attorney (ATT000)

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, ALABAMA

STATE OF ALABAMA,

CASE NO.: DC-2019-\_\_\_\_\_

\_\_\_\_\_,  
Defendant.

**MOTION FOR DISCOVERY AND INSPECTION**

COMES NOW, the Defendant, by and through counsel, and respectfully moves this Court for an Order directing the State prosecutor to produce the following for inspection and copying as allowed and required under Alabama Rules of Criminal Procedure, Rule 16.2:

1. **Statements of Defendant:** Upon written request of the defendant, the prosecutor shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion for good cause shown:
  - a. Permit the defendant to inspect and to copy any written or recorded statements made by the defendant to any law enforcement officer, official or employee which are within the possession, custody or control of the state/municipality, the existence of which is known to the prosecutor; and
  - b. Disclose the substance of any oral statements made by the defendant, before or after arrest, to any law enforcement officer, official or employee which the state/municipality intends to offer in evidence at the trial.
2. **Statements of Co-Defendant or Accomplice:** Upon written request of the defendant, the prosecutor shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion, for good cause shown:
  - a. Permit the defendant to inspect and to copy any written or recorded statements made by a co-defendant or accomplice to any law enforcement officer, official or employee which are within the possession, custody or control of the state/municipality, the existence of which is known to the prosecutor and which the state/municipality intends to offer in evidence at the trial; and
  - b. Disclose the substance of any oral statements made by any such co-defendant or accomplice, before or after arrest, to any law enforcement officer, official or employee which the state/municipality intends to offer in evidence at the trial.
3. **Documents and Tangible Objects:** Upon written request of the defendant, the prosecutor shall within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion, for good cause shown, permit the defendant to analyze, inspect, and copy or photograph

**videos, books, papers, documents, photographs, tangible objects, controlled substances, buildings or places, or portions of any of these things, which are within the possession, custody, or control of the state/municipality** and:

- a. Which are material to the preparation of the defendant's defense; provided, however, that the defendant shall not be permitted to discover or inspect reports, memoranda, witness lists, or other internal state/municipality documents made by the prosecutor or the prosecutor's agents, or by law enforcement agents in connection with the investigation or prosecution of the case, or statements made by state/municipality witnesses or prospective state/municipality witnesses;
- b. Which are intended for use by the state/municipality as evidence at the trial; or
- c. Which were obtained from or belong to the defendant.

Upon motion of the state/municipality, the court shall impose such conditions or qualifications as may be necessary to protect the chain of custody of evidence, or the prosecutor's, law enforcement officer's, or investigator's work product, or to prevent loss or destruction of such documents or objects.

4. **Reports of Examinations and Tests:** Upon written request of the defendant, the prosecutor shall, within fourteen (14) days after the request has been filed in court as required by Rule 16.4(c), or within such shorter or longer period as may be ordered by the court, on motion, for good cause shown, permit the defendant to inspect and to copy any results or reports of physical or mental examinations or scientific tests or experiments, if the examinations, tests or experiments were made in connection with the particular case, and the results or reports are within the possession, custody or control of the state/municipality, and their existence is known to the prosecutor.
5. **Discovery under Other Provisions of Law:** Nothing in Rule 16.1 shall be construed to limit the discovery of exculpatory material or other material to which a defendant is entitled under constitutional provisions or other provision of law.

Respectfully Submitted on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**

Attorney (ATT000)

Attorney for the Defendant

Address

Phone #s

Email

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Discovery has been served upon the District Attorney for \_\_\_\_\_ Judicial Circuit, by filing through the State's electronic filing system, alafile.com on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**

Attorney (ATT000)

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, ALABAMA

STATE OF ALABAMA,

CASE NO.: DC-2019-\_\_\_\_\_

\_\_\_\_\_,  
Defendant.

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**MOTION FOR COURT-ORDERED MENTAL  
EXAMINATION FOR DEFENDANT**

The attorney for the defendant in this case moves the Court to Order mental Examination of the defendant to be conducted at such time or times as the Court may direct, by a qualified mental health professional to determine:

1. The defendant's present mental conditions and competency to stand trial; and
2. The mental condition of the defendants at the time of the offence, and that the prosecution of this case be stayed pending the outcome of such examination.
3. As the attorney for the defendant, based on his current and past behavior, I question the defendant's competency to stand trial and believe that it is essential for a mental examination to be conducted in advance of trial because:
  - a. The alleged offences arose at a time when the defendant was under an extreme amount of stress that could have caused him to suffer the effects of serious mental illness
4. Family members report that immediately prior to committing the crime which he is charged the defendant was engaging in bizarre behavior. Over the period of days leading up to the crime the Defendant expresses moods of anxiousness, unreasonableness, and depression.
5. During his incarceration the defendant's engagement in bizarre behavior and making statements to his attorney and family members that raise a concern as to the defendant's

mental state has increased. The Defendant continues to show moods of anxiousness, unreasonableness and now hearing voices in the walls.

6. The defendant in meeting with his attorney appears substantially lacking in his ability to either appreciate or communicate the criminality of his conduct or to confirm it to the requirement of the law.
7. The defendant appears to fully not appreciate the seriousness of the crime for which he is accused or the sentence he faces if found guilty of the charges before him.
8. The defendants competency to stand trial is in doubt due to the severity of the defendants appear mental illness.

Respectfully Submitted on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**  
Attorney (ATT000)  
Attorney for the Defendant  
Address  
Phone #s  
Email

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Mental Examination has been served upon the District Attorney for \_\_\_\_\_ Judicial Circuit, by filing through the State's electronic filing system, alafile.com on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**  
Attorney (ATT000)



IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, ALABAMA

STATE OF ALABAMA,

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CASE NO.: DC-2019-\_\_\_\_\_

\_\_\_\_\_,  
Defendant.

**MOTION FOR PRELIMINARY HEARING**

COMES NOW, the Defendant, \_\_\_\_\_, and through his/her counsel of record respectfully request that a Preliminary Hearing under the provisions of Rule 5.1 of the Alabama Rules of Criminal Procedure be scheduled and held at the earliest practicable date.

Respectfully Submitted on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**  
Attorney (AT\*T000)  
Attorney for the Defendant  
Address  
Phone #s  
Email

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Preliminary Hearing has been served upon the District Attorney for \_\_\_\_\_ Judicial Circuit, by filing through the State's electronic filing system, alafile.com on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

/s/ **Attorney**  
Attorney (AT\*T000)