

STEWART LAW FIRM

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MEMORANDUM

TO: ALL ALLEGED CRIMINAL CLIENTS IN OKALOOSA COUNTY

FROM: BRANDON "BRAD" STEWART, ESQUIRE

RE: YOUR PENDING CASE

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Thank you for retaining our office to represent you in your alleged criminal case. Criminal cases are very complicated and sometimes very confusing. Hopefully, we can make it as easy as possible. Here are a few "ground rules" I would like you to follow during the case. I want you to have this memo so that you will know the basics of how I handle my criminal cases.

1. **Keep in touch with me.** About every two weeks, you should give me a call if you have not heard from me. I will attempt to mail copies of every pleading, document, motion, etc. Look over them. If we make a mistake, let me know. Do not assume...ask. Clients can be the best proofreaders.

2. **Please try to call me between the hours of 1:00 p.m. and 4:30 p.m. Monday through Friday.** I am almost always in court in the morning. If it is an **emergency**, feel free to call anytime. You may call me on Saturdays and Sundays, please leave a voice-message. I check them periodically over the weekends.

3. **Clients, unless told otherwise, never attend an arraignment (plea day).** An arraignment is just a brief hearing where defendants plead guilty or not guilty. I will file a written plea of not guilty in almost all cases so that we do not have to attend the arraignment hearing. You will receive a letter from my office indicating ALL of your court dates and when you are expected to appear at court, where the court is

located and the time you need to arrive. Please keep the Court Date Letter for reference in your criminal case.

4. **When you receive a notice from the Clerk, Department of Highway Safety and Motor Vehicles, Bureau of Drivers Licenses, or any other official agency, regarding your case, contact me immediately.** Sometimes the Clerk makes a mistake and fails to notify us or fails to notify you. We will call you when we receive a notice as well. If you ever get a notice from the Clerk saying that you missed a court date and they have either suspended your driver license or issued a warrant for your arrest, call me and **DO NOT DO ANYTHING UNTIL YOU SPEAK TO ME.**

5. **Whenever you have a court date, you must be sitting in the courtroom when the case is called.** That means that if your case is set for 9:00 a.m., you should be in that courtroom at 8:45 a.m. waiting for the Judge to call your name. Judges do not care when the lawyers get to court. They know that they are in several courtrooms at the same time. **If you are not present, however, they will issue a warrant for your arrest.** Do not leave the courtroom to make phone calls, go to the restroom, get coffee, or anything else until they have called your name and know that you are present. If I am not present when they have called your name, stand up and say “My lawyer is on his way. I am present. “

6. **Never discuss the facts or merits of the case with the Judge, prosecutor, or anybody else.** Always defer everything to me. While I am representing you, never discuss the facts or the case with anyone other than myself or someone who is working as my agent. **Do not post anything regarding your case on ANY social media network. Be especially careful about talking to insurance adjusters or investigators. Simply do not give any statements unless I am present and know in advance.**

7. **Do not attempt to purchase a gun/weapon while you are being charged in a criminal case “EVER.”**

8. **If there are drivers license suspension issues on your case, do not drive unless I have told you it is okay to drive.**

9. **Keep everything you get from the Clerk, State of Florida, or any official source. Do not throw away envelopes.** If you get something in the mail, attach the envelope to the document and call me. Do not assume that I know about it. If you get something in the mail from the Public Defender's Office, let me know. Sometimes, an assistant public defender is erroneously appointed to cases and then they are later discharged.

10. **When you call the office, feel free to talk to my Legal Assistant and let her know why you are calling.** My assistant is aware of all of the cases and their progress. She knows the strategies and thoughts behind these cases, and she can save a lot of time by answering your questions instead of waiting for me to call you back. Otherwise, I will always be happy to speak with you.

11. **Whenever we go to court, please be dressed in conservative business attire.** Please be neat, clean, and look like an average looking person, no expensive watches or jewelry. **Definitely no shorts, or tank tops and men should not wear earrings. Please see the attached Dress Code Memo.**

12. **If you make any cash payments at the office when I am not there, please make sure that one of my assistants gives you a receipt.**

13. **There may come times when I cannot physically be in court with you when the case is called, but, I always make sure that someone is there to cover for me.** Remember, if someone covers for me, they are qualified to do so. They are not there to try the case but only to announce a position and perhaps continue the case because I cannot be there. You should never discuss with the Judge where I am or what is going on with the case. Leave that to me or the lawyer that is covering for me. You can only get into trouble when you start talking to the officials.

14. **There will come a time when the case may actually go to trial.** We have a choice sometime between a trial with a Judge only which is known as a "bench trial" or a trial with a jury of six (6) citizens who decide guilt or innocence. When that day comes and we are actually going to trial, it would be very helpful to have family members, friends, or relatives sitting in the courtroom in the front row with us showing support.

15. **In almost every case, I may need you to take photographs of the scene where everything happened.** I may use an investigator to do this. If there is construction or a change in the area, the pictures we take months later may not be useful. The photographs will show the place where you were driving, the roads you were driving on, the place where you were stopped, the place where you did any physical sobriety tests, or the place where the alleged crime took place. If you are not sure about the detail, I will have a copy of the police reports and that should help you nail down the dates, times, and places.

16. **When you come to my office you may be asked to fill out a lengthy questionnaire.** Please answer for me all of the details of what happened. I would like to know everything about your day, from about twenty-four (24) hours before the arrest through your bonding out of jail. List all names, addresses, and phone numbers of witnesses that you believe can help us support our case. I am specifically interested in people who were with you when the incident occurred or saw you shortly before, or after, the alleged incident occurred.

17. **To be a Criminal defense lawyer, you need to know everything about your Client's medical and physical conditions.** I may need to know all about your medical history, any medical problems you have, operations, arthritis, and medicine you are taking, etc. Everything you tell me will be confidential. If we need information from a doctor, such as a surgeon who performed knee or leg operations, to allege a specific defense, I need to know the name of the doctor, his address and phone number so that we can get a copy of your medical records. I will leave it up to you to get me the information about your health. Do not assume that I do not need to know minor things. Make me a list of everything wrong with you. Do not be embarrassed. It can only help.

18. **There are three (3) ways people can get out of jail shortly after an arrest.** The first is to post a cash bond with the jail/Clerk of Court and when the case is over the bond is refunded to the person who posted it. The second way is through a bail bondsman. They charge ten (10%) percent of the price of the bond as a premium which they keep. They want to make sure that you show up for court. If you have a bail bondsman, let him know that you are represented by a lawyer. It makes them feel more secure that you

will show up for court in the future. The third way is to sign up with Pre-Trial Release where no money is involved. Show me that paper if that is the case. Unless I tell you otherwise, do whatever they say so that you can stay out of jail. It is important to let me know how you got out of jail.

19. If you get arrested for anything while I am representing you, do not talk to the police.

The first words out of your mouth should be “I want my lawyer and his name is Brad Stewart.” Call me and wake me up if you have to. When asked by an officer if he can search your person, your house or your automobile, **ALWAYS REFUSE!!** Whatever you do, do not waive your *Miranda* rights **EVER** to a police officer. Simply refuse to speak to the police about anything except your name, address, and date of birth.

20. If you get arrested for DUI and you think you have had way too much to drink or there is even a question in your mind about how much you drank, do not do anything. Simply tell the police that no matter what they say, no matter how they threaten you and no matter how much they coerce you, you **will not** blow in the machine, touch your nose, or answer questions without checking with me first. Tell them that you can reach me 24 hours a day. You have the right to independent testing. If you do not ask for it, you waive it, so try everything possible to get in touch with me. **DO NOT PERFORM FSE's OR BLOW IN THE MACHINE!!**

21. List of Important Numbers you may need:

- **Bridgeway - 850-689-7844 – DUI School**
- **Judicial Correctional Services - 850-398-4600**
- **MADD (for Victim Impact Panel) 850-983-6775 (2 hour class – cost \$35.00)**
- **Clerk of Court in Okaloosa County - 850-689-5000 or 850-651-7200**
- **Clerk of Court in Santa Rosa County - 850-981-5561 or 850-981-5577**
- **Clerk of Court in Walton County - 850-892-8115**
- **DMV - 850-872-7745**
- **State Probation - 850-689-7805 or 850-833-9132**
- **Walton County:**

Probation
571 US Highway 90 E
DeFuniak Springs, FL 32433
Phone: (850) 892-8135
Fax: (850) 892-8440

- **Pattison Professional Counseling Center - 850-682-1234**

22. **My main advertising is by word of mouth.** Most clients are referred to me by a friend or another client. I handle a vast array of criminal matters. If you have any other legal questions on any kind of legal case or a friend is in need of assistance, please check with me. I can steer you in the right direction at no cost.

Thank you for retaining us to represent you in this matter. We will do the best we can for you and live up to our reputation.