

INFORMATION FOR CLIENTS

(TR/MISD.)

Office of the Public Defender
Shelby County, Alabama
www.shelbypublicdefender.org
P.O. Box 1652
Columbiana, AL 35051
(205) 669-3806

Name _____

Case Number _____

LEGAL REPRESENTATION – Our Office has been appointed to represent you in a criminal matter based on the Court’s qualifying you as indigent. Our duty is to defend you at all court appearances and hearings including bench trials, **advocate** on your behalf, **investigate** the evidence against you, **research** technical and factual defenses, **negotiate** the best possible settlement offer, and fully **explain** all of your options. **The attorneys assigned to Traffic / Misdemeanor Court are Kendra Beauchamp and Selena Wood. Lauren Rains is the paralegal assigned to assist with your case.**

- We REPRESENT you only. We do not represent any alleged victim, a witness, the police, the District Attorney, or even the Judge. We **cannot** be your attorney in any civil case or in any matter in another jurisdiction. We will assign you a specific attorney from our office to handle your legal matters based on the exact nature and difficulty of the case.
- We are a **Public Defender’s Office**; if you believe it is in your best interest to hire a private lawyer, we will fully support your decision and release all information we have to your retained attorney.
- **COURT ATTENDANCE** – PLEASE DRESS APPROPRIATELY FOR COURT. **You must be in court on all your court dates before 8:30 am.** If you do not appear, the Court may **revoke** your bond. You may be **re-arrested**. Verified excuses for medical emergencies, work or school must be provided to our office. **EXPECT TO SPEND SEVERAL HOURS IN COURT.** **When you arrive at court, please add your name to the sign-in sheet. If you do not sign-in, we may not know that you are present. We will try our best to handle your cases in the order you signed-in, however, some cases might require more information and take more time, but we will do our best to communicate with you on when you will be handled.**
- A NOTICE when to come to court will be mailed to the address listed in the court clerk’s information system. It is very important that your address is correct. A condition of your bond requires you report any change of address to the Court Clerk. Please notify THE CLERK’S OFFICE and our Office with any new mailing address, telephone number, or e-mail address. **If you fail to appear on your court date, the Judge may revoke your bond or issue an alias warrant and you may be rearrested. Your driver’s license may be suspended in certain traffic cases.**

COMMUNICATIONS – Always contact our Office when you have any questions. We will try to answer them as soon as possible. We **cannot discuss confidential information** about your case with anyone else, including family and friends without your express written permission.

- **Telephone Calls** - You can call us at **(205) 669-3806**. Your telephone call may be routed to a voice mail system. Always leave **your name, telephone number and your question**. Calls are usually returned the day they are received. Please do not make repeated calls on the same issue. **We are not able to accept collect calls.**
- **Appointments** – If you need to meet with your attorney, please make an appointment by phone.
- **Letters** – Our mailing address is **P.O. Box 1652, Columbiana, AL 35051**. We may respond by in-person visit, by e-mail, by telephone, or by letter. **Whenever there is new information on your case, we will contact you immediately.**

BONDS - If you cannot make bail, we can file a bond reduction motion. However, please be aware that the local courts rarely reduce bond amounts. **Please notify your attorney if you posted a cash bond. We may be able to apply the cash bond to your fines and court costs in your case.**

DISCOVERY OF EVIDENCE - Our Office will **investigate** the facts, **research** defenses, and **negotiate** the best possible settlement offer. The District Attorney will GENERALLY produce all known discoverable evidence against you at the District Court level.

YOUTHFUL OFFENDER - If you were under 21 at the time of the offense, you **must** either **apply for** or **waive** youthful offender treatment. If you apply, your case will be continued so that a Youthful Offender Report can be prepared. The report will include your past criminal and/or juvenile record.

- The **Judge will decide** if you deserve this treatment as a youthful offender. Usually, it is only for first-time offenders involved in a relatively minor crime. **If Youthful Offender Status is granted**, you will have no adult criminal record, and you will face a maximum of three years punishment. **If Youthful Offender status is denied**, you will be treated just as any other adult.

SPECIALTY COURTS - Shelby County utilizes several specialty courts for certain: **DUI Deferred Prosecution, Drug, Mental Health, and Veteran matters**. These courts have strict requirements in order to qualify, including approval from the District Attorney. **THESE COURTS ARE NOT FOR ALL DEFENDANTS** and have both benefits and disadvantages.

APPEARANCE DATES - This is your first court date before the judge. Generally, your court date will be scheduled on a Monday or Tuesday. Victims and witnesses will not be under court order to be present until required for a Hearing or Trial.

- Before **court**, our investigation will have already begun and we will have discussed your case with the District Attorney. Your attorney will meet with you **at court** to discuss our investigation and all your options.
- Your case **may be continued** at this stage to **investigate** more facts, **talk** with witnesses, law enforcement and negotiate with the District Attorney. Once we have received all discovery needed and completed our investigation, you and your attorney will decide if a trial or a settlement is the best option in your case. A majority of our cases do NOT reach a resolution at the first court setting.

BENCH TRIALS / STIPULATE AN APPEAL - Your case may go to Bench Trial. Only the **Judge** decides whether you are guilty or not. **This is NOT a jury trial. The District Court Judge is the Honorable Casey Duncan.** Multiple trials are set on a trial docket where settlement offers are discussed before the trials begin. **Trial dockets start at 1:30 p.m. and could last several hours.**

- You must appear for your trial. **Any witnesses on your behalf must appear on the trial date.** Once your case is set for trial, please make an appointment with your attorney to prepare for trial. After the trial, if the judge finds you **guilty**, generally the **Judge** will sentence you the day of trial. You have the option to be found guilty and to **stipulate to an appeal without having a trial.**

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DUI Deferred Prosecution Program Information

You have been approved to enter the DUI Deferred Prosecution Program by the District Attorney. The District Attorney's Office has absolute discretion over whether or not your application will be granted. If you successfully complete all of the requirements of the Shelby County DUI Deferred Prosecution Program, the DUI charge will be dismissed. You will enter a conditional guilty plea that will be set aside once you successfully complete the program. **YOU WILL BE REQUIRED TO STRICTLY COMPLY WITH ALL RULES AND CONDITIONS OF THE PROGRAM.** You have given up your right to a trial or to appeal this case once you enter a guilty plea in the DUI Deferred Prosecution Program.

The Court will place you on a "DUI Deferred Docket" where only you will appear. The Public Defender's Office does not appear with you. This is a compliance docket where your progress will be discussed by the case manager, District Attorney, and Judge.

Noncompliance with ANY of the rules and requirements will result in a final adjudication of guilt in your case. If you choose to leave the program or if you are removed from the program due to non-compliance with the rules and conditions of the program, the Court will enter a final adjudication on your guilty plea to the charge of DUI. You will be sentenced accordingly by the Court.

PLEASE NOTE: YOU WILL BE REQUIRED TO TEST REGULARLY FOR ALCOHOL, ILLEGAL AND DISALLOWED SUBSTANCES. Please contact your Court Referral Officer regarding all testing issues. Your Public Defender has NO discretion over your substance testing. Your Public Defender cannot give you permission to miss screens, make up missed screens, or travel out-of- state.

You will be required to install an Ignition Interlock Device on your motor vehicle, there are several companies to choose from, and we can provide you with a list. The Public Defender's Office cannot become involved with a private company and any issues with your ignition interlock device.

Once all obligations and requirements of the DUI Deferred Prosecution Program are met, you will have completed the program and your guilty plea will be set aside and the case dismissed upon payment of all court and program costs.