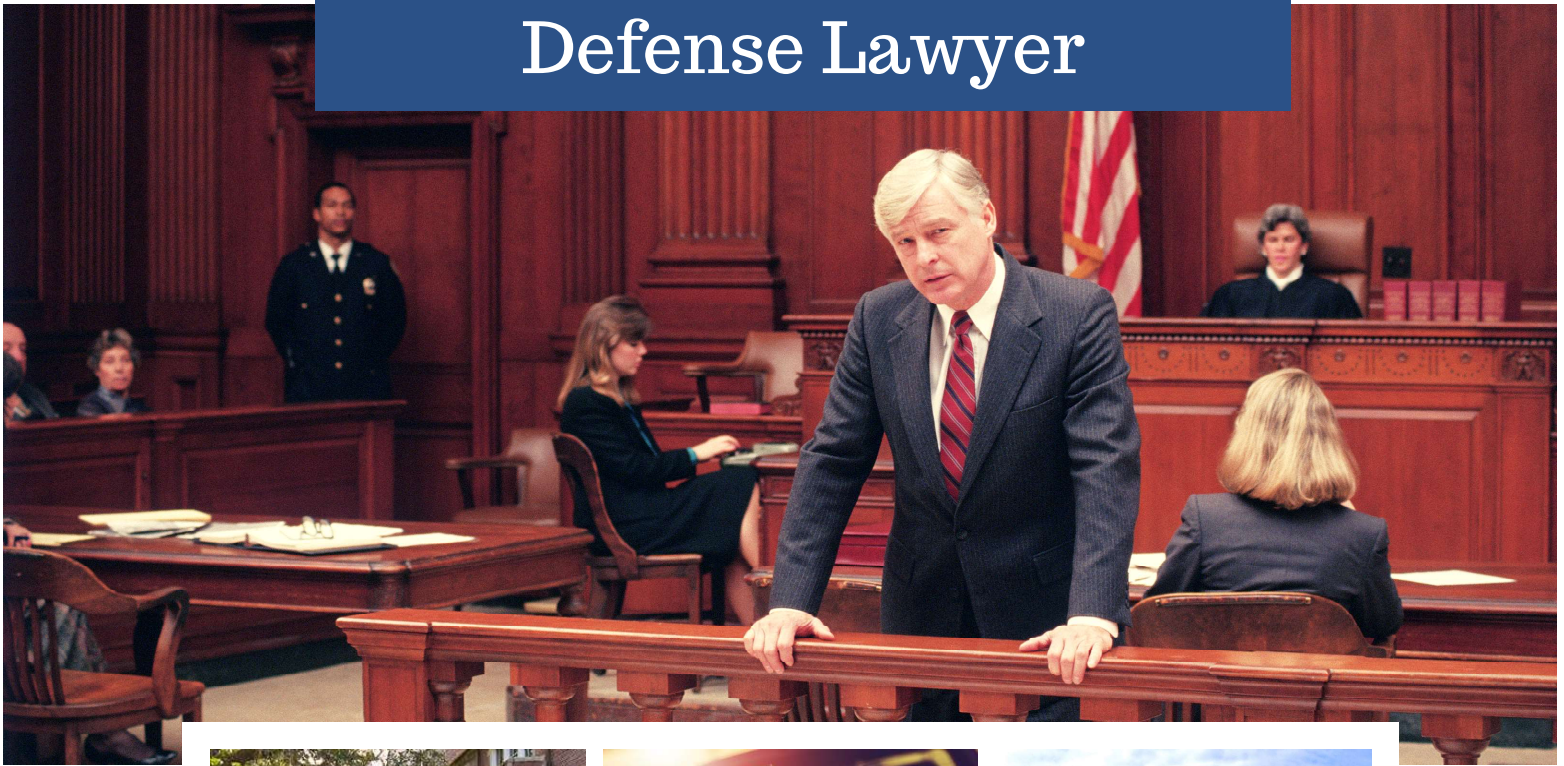


The Need for a Good Defense Lawyer



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The clock reads 8:59 AM. At the table closest to the jury box, the attorneys representing the State of Florida shuffle papers and ready their opening statement. At the adjacent table, a seasoned public defender, co-counsel, and the defendant whisper amongst one another. The minute hand ticks, and now the clock reads 9:00 A.M. A door swings open and the bailiff instructs, “All rise! The County Court of the Second Judicial Circuit is now in session, the Honorable Judge Ashenafi Richardson presiding.” And just like that, the defendant’s life is about to change.

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As a college student, one worries about a lot of things: grades, sports, jobs, extracurriculars, and internships, for instance. The idea of a false criminal accusation on top of all that is frightening. If the accusation is found true by a jury, then jail time, hefty fines, probation, and a series of other penalties become a very real reality. One will adopt a criminal record which states an adjudication of guilt, meaning that they have been formally found guilty of a crime and they will be convicted of the crime. For the student, this criminal charge will affect them for the rest of their lives. In addition to legal consequences, the student may face many repercussions in the educational realm for being accused of a crime and found guilty. Depending on the crime, the student might have to answer to a university judicial board, or student conduct board, which will likely question them as to their alleged violation of the school's code of student conduct ("Student Rights"). Under the 2018 Florida State University (FSU) student code of conduct, if one commits a crime, they also violate the student code of conduct. Even if the criminal actions did not occur on campus and had no relation to the school, many judicial boards reserve the right to initiate a judicial hearing when a student breaks the law ("How Criminal"). Driving under the influence (DUI), possession of firearms, sexual misconduct, and hazing are serious issues for students and college campuses today. In fact, the U.S. Department of Education reports that "drinking and driving is a relatively common behavior among college students" and that "of all the 1,825 estimated alcohol-related injury deaths of college students, 1,357 were due to drinking and driving" in 2005 (1). The FSU code of conduct describes driving under the influence, which is a code of conduct violation, in Section 8, Alcohol, Controlled Substances, and Illegal Drugs of the student conduct handbook as:

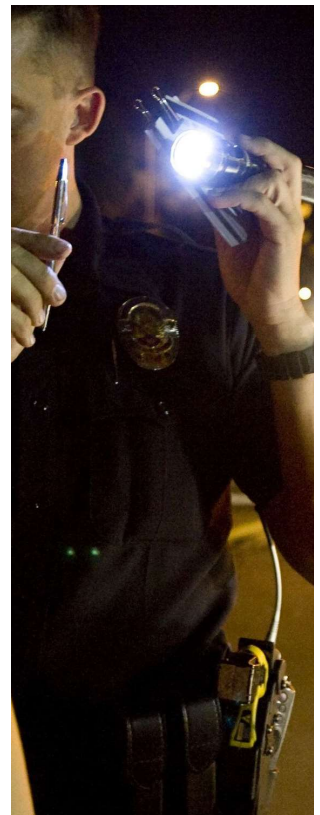
"Control or operation of a wheeled conveyance while under the influence of alcohol or any controlled substances or illegal drugs."

A DUI allegation, even a first time DUI offense, can dramatically disrupt the life of a student. Florida is a state which has zero tolerance for underage drinking, and because many undergraduate students are under the age of 21, the penalty for them driving under the influence is much more severe than an adult who drives in similar circumstances. When a student has no prior DUI offenses and drives while under the influence for the first time, is stopped, and there are "no aggravating circumstances such as damage to property, injury to

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another or death” and their “breath or blood alcohol level was below a .15” then their criminal offense is classified as a first time DUI (“DUI Types”). If a student is adjudicated guilty on a first time DUI, then their Florida driver’s license will be automatically suspended for six months. The student might lose scholarship opportunities, financial aid, and student housing, and might be suspended or expelled from their school (Wagner). Additionally, any type of DUI charge will affect a student’s future in the way that their prospects for employment will be diminished (Wagner). In addition to alcohol abuse and crime committed while under the influence, the United States Department of Education has found that forcible sex offenses are increasing in prevalence at public and private 2-year and 4-year postsecondary institutions. As crime increases on college campuses, so does the chance of a student receiving a false criminal accusation. As mentioned before, if a student is found guilty, then they will encounter difficulty applying or reapplying for federal student aid as their eligibility will be limited by their criminal conviction (“Students”). Depending on the type of crime, and whether or not a student is convicted, they may also face expulsion, suspension or disciplinary probation from the university that they attend. Overall, a criminal conviction (many are reached every year by false accusations) will severely damage a student’s reputation, their access to education, and their legal rights as a United States citizen.

As one can see, a false criminal accusation can negatively impact a student in many ways. A criminal accusation can result in a conviction, which will strip students of their education and their liberties relatively quickly. The importance of a student having a good attorney to represent them when they encounter a criminal accusation, especially a false one, cannot be stressed enough. Often, an attorney who does their job well will be successful in having the criminal charge against the student dismissed or the punishment for the alleged crime lessened.



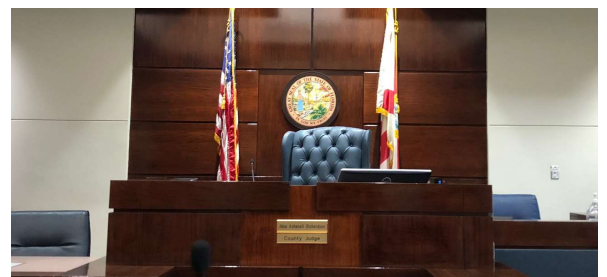
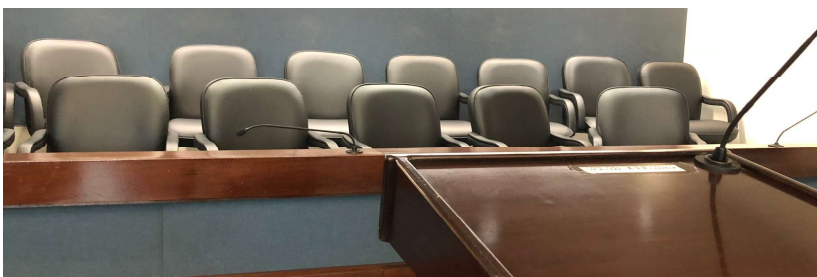
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For instance, a criminal defense attorney worth their salt will inform a student that a DUI on their record will seriously disrupt their career in college and make every effort to help acquit the student. Leon County Judge Ashenafi Richardson explains in a recent interview that the best way for someone to fight a criminal accusation is to have a trial by jury, because if the jury finds the defendant “not guilty,” then the record is set straight. A verdict of “not guilty” will always be superior to a plea, and certainly to an adjudication of guilt.

Last Friday, I had the opportunity to observe jury selection in Judge Ashenafi Richardson’s courtroom. I am confident that the defendant is a student and realize that the charge he faces is serious: a first time DUI. As the public defender explained who he was and what his role was in the courtroom to the jury, I thought how lucky the defendant was to have such a good lawyer represent him. I am grateful of the criminal justice system that we have in place today. Defendants have the right to be confronted with the witnesses and charges against them, and adequate representation will be afforded to them. As trial awaits the defendant this following week, his future hangs in the balance. If the public defender is successful, then the student will be spared from the consequences of a criminal accusation—a first time DUI. All in all, the need for a good defense lawyer has never been more evident.

"The best way for someone to fight a criminal accusation is to have a trial by jury."

*Judge Nina
Leon County, FL*



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