



# EMERGENCY LEGAL RIGHTS GUIDE

If you are accused, charged, or under suspicion of a crime, it is critical to understand your rights in order to avoid making mistakes that can negatively affect your defense or the outcome of your case.

Read this cheat sheet carefully to avoid making costly mistakes. After reading the cheat sheet, contact Justin Zayid as soon as possible to start building your defense.

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## UNDERSTAND YOUR RIGHTS

- You have the right to remain silent. If you wish to exercise that right, say so out loud
- You have the right to refuse to a search of yourself, your car, or your home.
- If you are not under arrest, you have a right to leave.
- If you are arrested, you have the right to a lawyer. Ask for one immediately.

## HOW TO PROTECT YOURSELF

- Remain calm and cooperative.
- Do NOT argue, run, or resist the police.
- Do NOT speak to the police. Say, "I would like to remain silent."
- You do NOT have to agree to a search. Say, "I do not consent to a search."
- Ask, "Am I being detained?"
  - If not – you are free to leave.
  - If yes – ask if you are being arrested– ask for a lawyer immediately.
- Do NOT provide any statement until you speak to your lawyer

## YOUR CONSTITUTIONAL RIGHTS:

**1<sup>st</sup> Amendment:** Freedom of religion, speech, press, assembly, and petition.

**2<sup>nd</sup> Amendment:** Right to keep and bear arms in order to maintain a well-regulated militia.

**4<sup>th</sup> Amendment:** Freedom from unreasonable searches and seizures.

**5<sup>th</sup> Amendment:** Right to due process of law, freedom from self-incrimination, double jeopardy.

**6<sup>th</sup> Amendment:** Rights of accused persons, e.g., right to a speedy and public trial.

**8<sup>th</sup> Amendment:** Freedom from excessive bail, cruel and unusual punishments.



## STOPPED BY POLICE IN PUBLIC?

### Your Rights

- You have the right to remain silent.
  - **Ex:** You do not have to answer any questions about what you were doing, where you were going, or who you were with.
  - If you wish to exercise your right to remain silent, say so out loud.
- You do NOT have to consent to a search of yourself or your possessions, but police may frisk you if they suspect you're carrying a dangerous weapon.
  - **NOTE:** Just because you refuse to consent does not mean the officer will stop from carrying out the search. However, a timely objection to the search is critical to preserve your rights if you are eventually charged.
- If you are arrested by police, you have the right to a lawyer, and a lawyer will be appointed if you cannot afford one.
- You do not have to answer questions about citizenship or where you were born.

### How To Reduce Risk

- Stay calm and cooperative
- Keep your hands in plain view.
- Don't argue with, run from, or resist the officers.
- Do not lie or give false documents.

Source: [www.aclu.org/know-your-rights](http://www.aclu.org/know-your-rights)



## PULLED OVER BY POLICE?

### Your Rights

- Both drivers and passengers have the right to remain silent.
- If you are a passenger, you can ask if you are free to leave.
- You do NOT have to agree to a search. Say, "I do not consent to a search."

### How To Reduce Risk

- Stop the car in a safe place as quickly as possible.
- Turn off the car, turn on the internal light, place your hands on the wheel, and open the window.
- Upon request, show police your driver's license, registration, and proof of insurance.
- Avoid sudden movements and keep your hands in plain view.

Source: [www.aclu.org/know-your-rights](http://www.aclu.org/know-your-rights)



## POLICE AT YOUR DOOR?

### Your Rights

- You should NOT invite the police into your house.
  - Talk with the officers at the door and ask for their badge/identification.
  - You can refuse entry unless they present a warrant signed by a judge that lists your address as a place to be searched or that has your name on it as the subject of an arrest warrant.
- If the police have a warrant, ask to review it before they gain access to the house.
  - A search warrant will list the specific areas and items to be searched. Make sure that the police abide by the parameters of the search warrant.
  - An arrest warrant has the name of the person to be arrested.
- Even if police have a warrant, you have the right to remain silent.
  - Do NOT answer questions or speak to the officers while they are in your house conducting their search.
  - Stand silently and observe what they do, where they go, and what they seize.

Source: [www.aclu.org/know-your-rights](http://www.aclu.org/know-your-rights)



## ARRESTED?

### How To Prepare For Arrest

- Prepare yourself and your family in case you are arrested.
- Memorize the phone numbers of your family and your lawyer.
- Make emergency plans if you have children or take medication.

### What To Do If You Are Arrested Or Detained

- The police must identify themselves and tell you why you are being detained or arrested. If you are uncertain why you are being detained or arrested, ask for clarification.
- Say you wish to remain silent and ask for a lawyer immediately. Don't say anything, sign anything, or make any decisions without a lawyer.
- Police are not allowed to question you before you receive legal advice. Do not allow police to rush you into contacting a lawyer. You are allowed to contact a lawyer of your choice.
- If you have been arrested by police, you have the right to make a local phone call. The police cannot listen if you call a lawyer. They can and often do listen if you call anyone else.
- If you are subject to police questioning, you are under no obligation to provide any information. However, even if you tell the police you do not wish to discuss your matter they may still persist in questioning you. It is important to your ultimate DEFENSE that you remain silent until you are able to review the actual police evidence.

Source: [www.aclu.org/know-your-rights](http://www.aclu.org/know-your-rights)



## CHARGED?

Once charges have been filed, the first step is usually arraignment, where you are brought before the court and formally read the charges brought against you.

### ARRAIGNMENT: Your Rights

1. To plead guilty or not guilty or to stand mute. If you stand mute, a plea of not guilty will be entered. You may plead no contest with the permission of the court.
2. To have a trial by jury.
3. To have assistance of an attorney.
4. You have the right to an attorney appointed at public expense if you are indigent and if:
  - a. The offense charged requires a minimum jail sentence; or
  - b. The court determines that it might sentence you to jail.

Contact an attorney as soon as possible to preserve your rights at the arraignment and beyond.



## FREQUENTLY ASKED QUESTIONS

**Q: Do I have to answer questions asked by police officers?**

**A: No.** You have a constitutional right to remain silent. You cannot be punished for refusing to answer a question. Consult with your attorney before agreeing to answer any questions.

**Q: Are there any exceptions to the general rule that I do not have to answer questions?**

**A: Yes,** there is one common exception. If you are pulled over while driving, the officer may require you to present your license, registration and proof of insurance. However, you do NOT have to answer questions.

**Q: Do I have to answer questions if the police have a search warrant?**

**A: No.** You may be asked questions before, during, or after the search. A search warrant does not mean you have to answer questions. Stand silently and observe what they do, where they go, and what they seize.

**Q: Can I talk to a lawyer before answering questions?**

**A: Yes.** You have a constitutional right to consult with a lawyer before answering questions.

Police questioning should cease as soon as you request an attorney. If they continue to ask questions, you still have the right to remain silent. If you do have a lawyer, keep his or her business card with you.

**Q: What if I speak to police officers anyway?**

**A:** Anything you say to a law enforcement officer can be used against you and others.

**Note:** Even if you have already answered some questions, you can refuse to answer other questions until you have a lawyer.

**Q: Can agents search my house, apartment or office?**

**A: Depends.** Your home can only be searched by police if you consent or unless they have a search warrant.

**Note:** A roommate or guest can legally consent to a search of your house if the police believe that person has the authority to give consent. Police also need a warrant to search an office, but your employer can consent to a search of your workspace without your permission.

**Q: Agents arrested me in my home. Can they search my house?**

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**A: Yes and No.** The police can search the area near where you are arrested without a warrant. However, the police cannot search your entire house unless the warrant specifically describes the search and seizure



## CONTACT JUSTIN ZAYID TODAY



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