



YOUNG LAWYERS DIVISION
KENTUCKY BAR ASSOCIATION

**“My Friend/Client/Cousin got a
DUI...”**

**The Basics of Criminal Defense for
Civil Practitioners**



**This program has been approved in Kentucky
for 0.25 CLE credits.**

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PRESENTER BIOGRAPHY

Jacqueline Mayer Grant is a criminal defense attorney located in Newport, Kentucky. Jacque now has a defense practice where she represents private and conflict clients, participants in protective order litigation, as well as child victims of crimes (as a guardian *ad litem*). Prior to defense work, Jacque had a judicial clerkship in the Fayette Circuit Court and spent three years at the Fayette County Attorney's Office in general prosecution. Jacque is currently involved in the National Association of Criminal Defense Lawyers, Kentucky Association of Criminal Defense Lawyers, Kentucky Bar Association Young Lawyers Division, the Northern Kentucky Bar Association Young Lawyers Section, and the Westside Citizens Coalition. She lives in Newport with her husband, Edmund Grant, and their two beloved dogs.

“MY FRIEND/CLIENT/COUSIN GOT A DUI...”
THE BASICS OF CRIMINAL DEFENSE FOR CIVIL PRACTITIONERS
Jacqueline Mayer Grant, Esq.

I. DESCRIPTION

This program is designed to inform civil practitioners of the layout, formal and informal procedures, and generalized best practices in criminal defense. The program will lightly cover topics such as criminal procedure, DUI, domestic violence, traffic offenses (suspension), drug crimes, juvenile court, and when attorneys are out of their league. The need for this program is to ensure that attorneys are best assisting defendants in their access to justice. Like any field of law, there are several common traps that catch defendants unaware, such as the collateral consequences of certain convictions.

II. LEARNING OBJECTIVES

- A. Be able to handle basic criminal defense.
- B. Be able to recognize what is basic and what requires more advanced knowledge.
- C. Be able to adequately advise defendants about direct and collateral consequences of their charges and convictions.

III. CRIMINAL COURT TIMELINE

- A. Charges/Investigation
 - 1. Invoke the [Fifth Amendment](#) (duh).
 - 2. Gather and keep records of evidence.
 - 3. Be polite to law enforcement. Do not do their job for them.
- B. Arraignment
 - 1. Enter a plea of not guilty (usually) or guilty.
 - 2. Request discovery.
 - 3. Address bond conditions (contact with victim, location bans, ankle monitor, substance treatment).
 - 4. “Reserve on all other motions at this time.”
- C. Pretrials and Status Conferences
 - 1. Formal/informal.

2. Negotiation and scheduling.
 3. Pretrial motions.
- D. Bench or jury trial: Do NOT waive the right to a jury trial without discussing with client.
- E. Felonies
 1. Direct indictment.
 2. Preliminary hearing/probable cause hearing to the grand jury.
 3. Probable cause: Is the crime charged what is alleged?

IV. CHARGING DOCUMENTS

- A. Citation
- B. Summons
- C. Indictment
- D. Warrant

V. REQUESTING DISCOVERY

- A. Narratives and Witness Statements
- B. 911 Call
- C. Bodycam
- D. Open Records Requests
- E. Jail/Security Videos
- F. [*Brady/Giglio*](#) Material – Includes officer disciplinary history
- G. Lab Tests
 1. Substances.
 2. Blood tests.
- H. Equipment/Service Records
- I. YOU CAN KEEP ASKING. If it is relevant, ask for it.

VI. COURT DOCUMENTATION

A. AOC Forms

1. <https://www.kycourts.gov/legal-forms/Pages/default.aspx>.
2. Motion to enter guilty plea – [AOC-491](#).
3. Motion to enter a DUI guilty plea – [AOC-495](#).
4. Go over these in advance so the client is aware of any potential rights to be waived.

B. Local Rules

1. Sometimes includes court specific paperwork.
2. Searchable at Local Rules of Practice, Kentucky Court of Justice, <https://www.kycourts.gov/Courts/Pages/Rules-of-Practice.aspx>.

C. Diversion, Deferred Prosecution, In-Court Mediation, CATS Program

Paperwork to handle with prosecutors to reach an alternative resolution without a finding of fact.

VII. BEST GENERAL RESOURCES

A. Kentucky Public Defenders (Department of Public Advocacy)

The defense attorneys who have handled the most cases are our public defenders. Check out their various *Manual Series* for an excellent summary of important categories:

<https://dpa.ky.gov/kentucky-department-of-public-advocacy/defenders/manuals/>.

B. Local Criminal Bar

C. Ask the Prosecutor!

VIII. COLLATERAL CONSEQUENCES

A. Employment

B. School

C. Driver's License

1. Leaving the scene, DUI, operating on a suspended license, non-payment of fines, missed court...
 2. Mandatory administrative hearings for certain charges (26 MPH over the limit).
- D. Professional Licenses
 - E. Voting Rights
 - F. Gun Rights
 - G. BUSTEDNewspaper.com
 - H. Immigration/Citizenship
 - I. Probation or Conditional Discharge Requirements – Where You Can Live
 - J. Sex Offender Registration – Check the guideline statutes and cross reference (twice).
 - K. Protective Orders
 - L. Custody
 - M. Insurance Cost/Coverage
 - N. Military Status and/or Benefits – 60 Days
 - O. Government Benefits

IX. WHEN TO TALK TO ANOTHER PRACTITIONER

- A. Felonies
- B. Immigration
- C. Suppression Issues
- D. Domestic Violence
- E. Juvenile (serious offenses)
- F. Sex Crimes
- G. Jail Time

X. ASK FOR HELP!

- A. Kentucky Association of Criminal Defense Lawyers <https://www.kacdl.net/>.
- B. National Association of Criminal Defense Lawyers <https://www.nacdl.org/>.
- C. Contact ME!

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