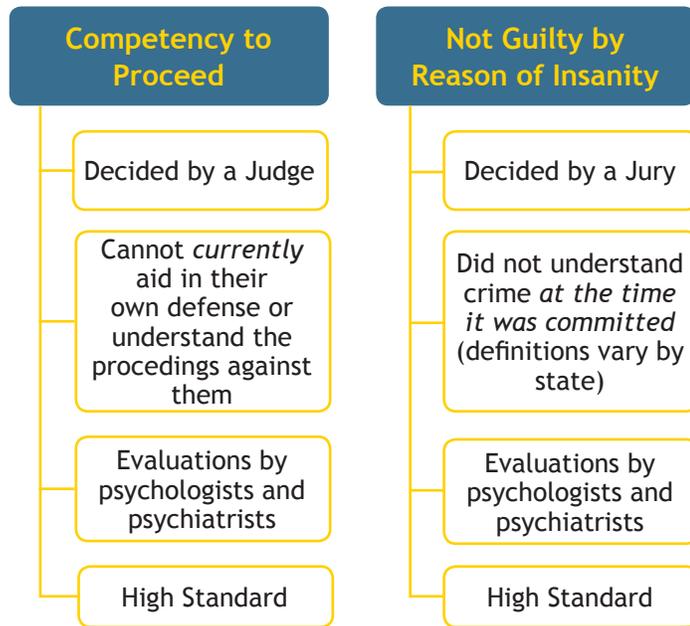


Working with the Criminal Defense Lawyer: A Guide for Families

If you believe your loved one's I/DD prevents them from understanding what they are accused of doing, that, roughly speaking, falls into the definition of not guilty by reason of insanity. The standard is very high and requires evaluations by psychologists or psychiatrists.



Plea Deals

If your lawyer discusses a plea, it doesn't mean he or she doesn't believe your loved one. A lawyer is ethically required to convey any plea offer to a client. When your lawyer suggests a plea be accepted, it is likely based on his or her (often disappointing) previous experiences and knowledge of the realities of the system. If possible, cover the plea deal point by point with the lawyer and explain which points will be difficult to comply with and why—*take particular note of the requirements surrounding registration as a sex offender.*

Remember: A family can be a valuable resource—be the helpful family!

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Depending on the nature of the charges, conviction may carry a mandatory minimum sentence that a judge cannot decrease even if he or she may want to.

Remember:

Your Lawyer is a Lawyer, and is Largely Constrained by the Legal System

Often, by the time a family meets with the defense attorney, they have endured years—possibly decades—of misunderstanding from neighbors, schools, employers, and others who do not understand the nature of their loved one's disability and were unwilling to make accommodations. Do not make the defense attorney the focus of anger and resentment. The criminal charges may be unfair, but if there is an indictment, the lawyer must deal with the facts and control collateral damage. Arm the lawyer with much-needed facts and insight.

If your attorney is unfamiliar with issues related to disability, contact NCCJD (NCCJDinfo@TheArc.org) and your state's [Protection and Advocacy Organization](#) for resources and materials that may help.

Sexually oriented offenses are often accompanied by alleged victims' families putting pressure on the prosecutor or wanting to testify to graphic and compelling evidence. The community outrage over sexually oriented offenses, is often so profound that no judge or prosecutor wants to appear soft—particularly if there is media coverage. A plea may be a way to minimize these huge trial risks.
