

Your "rights"

You have a number of rights, but it isn't like they show on TV.

The next page is the two sides of a card I give to family, friends, acquaintances, and even clients. Note that the card refers to Wisconsin law. The information about it being illegal to resist an unlawful arrest is specific to Wisconsin law and may not apply in other jurisdictions. (It may still be unwise (as in deadly) to resist an unlawful arrest anywhere, whether or not it is legal.)

The police never have to read you your rights. It is not required when they arrest you, nor when they question you, although if they question you when you are in custody without reading you the "Miranda rights" what you say can't be used against you for some purposes during a trial. (It can be used for other purposes, though!)

The card says that it is not legal advice, but rather general information. It is not legal advice because such advice can only be given by an attorney with knowledge of all the facts (the context) in which the information would be used. I don't give legal advice to anyone who is not a client.

This is being written in July 2002 as congressional hearings are going on involving how some of the largest companies in the world have reported their finances. The CEO's of those companies have politely explained to Congress that they wish to exercise their rights and not answer questions. They have the best legal advise money can buy. They became CEO's because they could persuade others and make things happen. Even though it goes against the grain for them, they know that when there is a criminal investigation pending, talking will not help.

If the police want to question you, perhaps your response should be to read the "Invocation of Rights" card, or simply say: "I want a lawyer." If they want to search you, your home, or your car, you do not have to agree to this. The language is: "I do not consent to any search." If the police want to "step into" your home, apartment, or even motel room, you do not have to agree to them doing so. If you do let them in, you may be giving them rights to search, you are certainly giving them the right to see what anyone coming in could see.

I hope that you find this informative. A final warning is that the law is constantly changing. While the information provided here is correct as of July 2002, it may not be correct tomorrow.

Charles Kyle Kenyon

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INVOCATION OF RIGHTS

I wish to invoke all of my rights under the statutes and Constitutions of the United States and State of Wisconsin. I do not want to talk with anyone from law enforcement or participate in any lineup or showup until I consult with a lawyer and he is present. I do not consent to a search of my person, property or possessions under my control or in which I have an interest. I do not waive any of my legal rights. I want a lawyer.

I got this card from Attorney **Charles Kenyon** in Madison, Wisconsin. His number is 608-276-9645.

YOUR "RIGHTS"

It isn't like on TV. They don't have to "read you your rights" when you are arrested. Nevertheless, you do have the right to remain silent. You do not have to consent or agree to being searched. In Wisconsin you do not have the right to resist an unlawful arrest. If you talk to police investigating a crime, lying to them is a separate crime. The same is true of hiding or destroying evidence.

The other side of this card is something that you can read to police who want to ask you questions. It is *almost always* in your interests to read them that card. This card has general information, not legal advice. My giving you this card does not mean that you are my client or that I am your lawyer.

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