

About Keith



Keith J. Staten specializes in handling complex criminal litigation, DUI litigation, and DMV administrative licensing issues. He received his B.A. in Management Information

Systems from San Francisco State University, and his J.D. from UOP McGeorge School of Law in 1992.

After a few years as an intern and attorney at the Sacramento County Public Defender Office, he started his private practice in Sacramento, concentrating on criminal defense. While in private practice, he has tried over 100 cases to verdict. Mr. Staten has successfully handled cases ranging from DUIs to homicide, and is known for successful verdicts in drug, gang, and sex cases.

In 2012, the Sacramento County Indigent Defense Panel named him Attorney of the Year for his outstanding case resolutions, which included two acquittals on life cases. In 2014, The Hub Magazine recognized him as a leader in the community. The Wiley Manuel Bar Association named him Attorney of the Year the same year.

From 2001 to 2007, Mr. Staten was Senior Staff Counsel at the Department of Motor Vehicles for the State of California. He reviewed legislation concerning changes in the Vehicle Code and DUI laws, managed all writ litigation and was the in-house legal advisor to the Driver Safety program.

Mr. Staten has been an active member of his community; he mentors several young criminal trial attorneys, as well as students at all area law schools. He has given lectures to community organizations, youth groups, and professionals.

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KNOW YOUR RIGHTS

A quick guide for citizens on asserting their rights during police encounters

Your Rights During Police Contact

What you say to the police is always important. What you say **CAN AND WILL** be used against you.

When you encounter a situation where law enforcement have asked you to stop or want information from you, always ask the question "Officer am I free to leave?" If the answer is yes, then leave; if the answer is no, then you may be legally detained under the law. When any citizen is detained by law enforcement, your Fourth Amendment rights under the Constitution begin. They may not apply until that moment, so it is imperative to determine if you are free to leave and go about your business. You do not have to answer a police officer's questions, but you must show your driver's license or ID if requested.

You do not have to give consent to any search of yourself, your car, or your house. If you do consent, you've made a big mistake, which can affect your rights later in court. If the police say they have a search warrant, ask to see it, but do not interfere with or obstruct the police; you can be arrested for it.



IF YOU ARE STOPPED FOR QUESTIONING

It is not a crime to refuse to answer questions when being questioned by the police, but you must affirmatively tell them that you are invoking your right to remain silent under the Fifth Amendment.

Continue to repeat this and do not say anything. By law they must stop asking questions until you have an attorney present.

For officer safety, the police may "pat-down" your outer clothing if they have a reasonable suspicion that you are carrying a concealed weapon. Do not physically resist or they will arrest you. However, the police cannot search further than this. Make it clear that you do not consent to any further search.

Your rights begin from the moment of detention. Remember that you should never physically resist. Verbal commands by an officer to stop or stay in a specific area should be obeyed. Under the law that command would be a detention, and it is at that time you ID yourself and you ask if you are free to leave. Do not argue with the officer or demand to know if you are under arrest.



IF YOU ARE STOPPED IN YOUR CAR

Show your driver's license, registration and proof of insurance upon request. Once again, if the officer is asking questions of you, ask "Am I free to leave?" If not, you are legally detained and should exercise your right to remain silent under the Fifth Amendment. Your car can in certain limited cases be searched

without a warrant so long as the police have probable cause. To protect yourself later, make it clear that you do not consent to a search. If you are given a ticket, you should sign it; otherwise you can be arrested. Fight the case later in court.



IF YOU ARE ARRESTED OR TAKEN TO A POLICE STATION

Remember to remain silent and request an attorney immediately!

Memorize this rule. The way it works is, if you just tell the police you don't want to talk to them, they legally can wait awhile and then come back and question you again and again. If you tell them you want to see a lawyer, then legally they have to stop questioning you until you have a lawyer present. **THIS IS TRUE EVEN IF YOU ARE A MINOR.** Your parent does not have to be consulted with, notified, nor present during questioning. They will not run out and get you a lawyer, but you must always remain silent and let the rest of the process take place. Be patient and silent and it will help your case later or prevent charges from being filed. Do not give explanations, excuses, or stories. You make your defense in court based on what you and your lawyer decides is best.

Download the full Know Your Rights Handbook:
www.kjscriminaldefense.com
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