

PAUSE BEFORE A PLEA

Pleading guilty to a misdemeanor without an attorney can have consequences a defendant may not have considered.



ONE MOMENT IN COURT, A LIFETIME OF CONSEQUENCES

In 2021 over half a million misdemeanor cases were filed in California.¹ In at least 1/3 of California counties, courts take pleas prior to appointment of counsel.² When an unrepresented person is invited by the court to plead guilty or no contest for an early resolution to the case, unforeseen and collateral consequences may result.

RACIAL DISPARITIES AND DESTABILIZATION OF COMMUNITIES

Although Black and Latinx people account for 47 percent of California's overall population, together they represent 66 percent of the total county jail population and 74 percent of the state's prison population.³ Early representation has been proven to reduce racial disparities in pre-trial incarceration.⁴



IMMIGRATION CONSEQUENCES

An estimated 1 in 8 accused persons in California are noncitizens.⁵ A conviction for even a simple, non-violent misdemeanor with no jail time imposed can trigger severe immigration consequences. For example, cultivating 7 or more marijuana plants for personal use is a misdemeanor in California (HS 11358(c)). But for immigration purposes, it is considered a "drug trafficking aggravated felony" which makes someone deportable even if they have lawful status in the U.S.⁶

Appointment of counsel prior to a plea ensures noncitizens receive specific immigration advice regarding their case, and will have someone to advocate for a safer alternative plea.



LOSS OF EMPLOYMENT AND EDUCATIONAL OPPORTUNITIES



Misdemeanor convictions can preclude a person from being eligible for military service,⁷ impact employment opportunities by preventing a person from obtaining certain licenses required for employment,⁸ and limit educational attainment by prohibiting persons from qualifying for certain clinical programs⁹ and college internships.¹⁰ Prompt representation ensures that individuals receive counsel before losing employment and educational opportunities.

PAUSE BEFORE A PLEA:

- **EVERYONE HAS THE RIGHT TO AN ATTORNEY BEFORE ENTERING INTO A PLEA.**
- **ONLY AN ATTORNEY CAN PROVIDE LEGAL ADVICE ABOUT THE FULL CONSEQUENCES OF ENTERING INTO A PLEA.**

PAUSE BEFORE A PLEA

A misdemeanor conviction can have significant collateral consequences, including loss of housing, income, and educational opportunities. These effects are destabilizing for families and communities, and are often not contemplated by unrepresented individuals.

References

- 1: JUDICIAL COUNCIL OF CALIFORNIA COURT STATISTICS REPORT 2023 AT P. 94
[HTTPS://WWW.COURTS.CA.GOV/DOCUMENTS/2023-COURT-STATISTICS-REPORT.PDF](https://www.courts.ca.gov/documents/2023-court-statistics-report.pdf)
- 2: OFFICE OF THE STATE PUBLIC DEFENDER: INDIGENT DEFENSE SYSTEMS QUESTIONNAIRE, SPRING 2023.

RACIAL DISPARITIES

- 3: [HTTPS://WWW.VERA.ORG/CALIFORNIA-STATE-OF-INCARCERATION/](https://www.vera.org/california-state-of-incarceration/)
- 4: HEATON, PAUL (2021) "ENHANCED PUBLIC DEFENSE IMPROVES PRETRIAL OUTCOMES AND REDUCES RACIAL DISPARITIES," INDIANA LAW JOURNAL: VOL. 96 : ISS. 3 , ARTICLE 2. AVAILABLE AT: [HTTPS://WWW.REPOSITORY.LAW.INDIANA.EDU/ILJ/VOL96/ISS3/2](https://www.repository.law.indiana.edu/ilj/vol96/iss3/2)

IMMIGRATION

- 5: LETTER FROM IMMIGRANT LEGAL RESOURCE CENTER TO CALIFORNIA COMMITTEE ON REVISION OF THE PENAL CODE, AUGUST 19, 2022
HS 11358(C)
- 6: *U.S. V. REVELES-ESPINOZA* 522 F.3D 1044 (2008)

EDUCATION & EMPLOYMENT

- 7: 32 C.F.R. §66.5(B)(8)
- 8: SEE BUS. & PROF. CODE, §§ 475, 480.
- 9: SEE, FOR EXAMPLE, CALIFORNIA STATE UNIVERSITY, LONG BEACH, SCHOOL OF NURSING, NURSING – BASIC, B.S.N. INDICATING THAT “CRIMINAL BACKGROUND CHECK, DRUG SCREEN, HEALTH INSURANCE, IMMUNIZATIONS, MEDICAL CLEARANCE, AND MALPRACTICE INSURANCE ARE REQUIRED FOR CLINICAL COURSEWORK.”
[HTTP://CATALOG.CSULB.EDU/PREVIEW_PROGRAM.PHP?CATOID=6&POIID=3053](http://catalog.csulb.edu/preview_program.php?catoid=6&poiid=3053)
- 10: SEE, FOR EXAMPLE, CALIFORNIA STATE UNIVERSITY EAST BAY, MASTER OF SOCIAL WORK PROGRAM, STUDENT HANDBOOK AND FIELD MANUAL,
[HTTPS://DOCS.GOOGLE.COM/DOCUMENT/D/1EQUTOJOLRRVBLBKXNIA28SBRQFYHMJXTOZ1LY5N1JK/EDIT#HEADING=H.AAP3G8TI9PCH](https://docs.google.com/document/d/1EQUTOJOLRRVBLBKXNIA28SBRQFYHMJXTOZ1LY5N1JK/edit#heading=h.aap3g8ti9pch)



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