

# **How to Survive a Felony Trial**

**Keeping Your Head up through the Worst of It**

CrimethInc.

February 8, 2017

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This article is for anyone facing prison time as a result of participating in the struggle for a socially and ecologically sustainable future for the planet we live on and the beings that inhabit it. It may also be relevant to anyone engaged in that struggle whose activity is likely to lead to a collision with the massive edifice of inertia that is the legal system.

I can only speak from my own experience as a young white man navigating the criminal justice system. I hope that some of what I experienced can be useful to other people as well. I am not a lawyer or legal expert. The first version of this text appeared in 2004 [in *Recipes for Disaster, An Anarchist Cookbook*]; I wrote this in a different era and some of the advice I offer may be outdated. Take everything with a grain of salt, but be assured that my thoughts are with you, whoever you are. You are not the first person to go through this and you won't be the last. You are part of a long and proud tradition that reaches around the world and stretches forward and backward through time.

I know things look bad right now. It looked bad for me, too. Thank you for making whatever choices brought you here. You're not alone. You can handle this.

## **Know What You're Getting Into**

Uh-oh. Somehow something went wrong, and you are in deep shit. All signs are pointing to the inescapable conclusion that this is going to go badly. You are absolutely terrified. You sure didn't expect this to happen today. Who's going to feed your cat? You've got to pay rent next Friday. You can't go to jail right now. What the hell is going to happen to you? OK. Stay calm. Let's take a few deep breaths, and a few steps backward, before we address the situation at hand.

First off, understand one thing. Repression, both legal and extralegal, is an inevitable result of revolutionary activity. The only way you can hope to avoid it entirely is if you hang up your spurs and cease your efforts to contest this insane world order. You know you couldn't look yourself in the mirror in the morning if you did that. Besides, for some people of some backgrounds and histories and skin colors—perhaps including you—even total acquiescence to the status quo is not enough to ensure immunity from its wrath. The rationale behind this, from the perspective of the people in power, is straightforward. They want to make an example of somebody. They want to parade someone around and say, "See? See what happens when you step out of line? You don't want this to happen to you, do you? Do you?" Inconveniently, that someone is you.

This sort of negative reinforcement is a sensible and effective strategy. It has been practiced since the dawn of time, and it works well in a limited way. Sometimes people do give up and yield to the crushing embrace of defeatism and bitterness. Under certain circumstances, people will crack under pressure and turn on each other. Some spirits are broken. When subjected to torture, almost anyone will say or do almost anything. I know a little bit about that. But the corollary here is that repression drives us together out of necessity, and I truly believe that its net effect is generally to create more resistance than it destroys.

All of that said, there are some basic guidelines that it will behoove you to understand when making your plans. The more active you are, the more likely it is that you will eventu-

ally encounter the legal apparatus. The more effective, aggressive, inspiring, or illegal your efforts are, the more likely it is that this encounter will be particularly unpleasant. A serious criminal trial is no fun. It is terrifying, time-consuming, expensive, and dangerous. Being arrested and tried in a court of law is a potential consequence of whatever it is that you are doing, but one to be avoided when possible, not a desirable end in and of itself. It pays to plan actions that maximize effect while minimizing risk. I am not saying that you should not break the law. I am saying that a deed's worth is measured by its effectiveness, not its illegality. Don't conflate the two.

If and when you do decide to do something illegal, sit down beforehand and figure out exactly what statutes you are likely to be violating. Figure out what the maximum penalty for violating those statutes is likely to be. Ask yourself dispassionately if you can deal with what it will mean to you if everything goes as badly as it possibly can. If the answer is no, please, save yourself a hell of a lot of trouble and don't get in over your head. Do something else. There is no shame in that. I hate to say it, but don't do the crime if you can't do the time.

If the answer is yes, then here are a few more tips. It is wise to have some sort of contingency plan in place rather than just charging blindly into a situation that may lead to your arrest. Cultivate relationships with lawyers beforehand. Know to whom you are going to make your phone call, and what you are going to tell them to do. If possible, have bail money set aside. Godspeed, and good luck.

## **Under Arrest**

Anyway, all of that is in the past for you now. I have no idea at what point in the process this essay will reach you, so I'll pick up where I left off, at the beginning. You are sitting in the back of the cruiser, and you are scared. The single most important thing you can do right now is not talk to the police. Not one word. It does not matter what you did or didn't do. It does not matter if you have been caught red-handed doing something unbelievably sketchy, or if you are being targeted in a frame-up job that extends to the loftiest chambers of international power. You must not talk. This is what you can say:

*"I'm going to remain silent. I would like to speak with my attorney."*

Nothing else. I can't possibly stress this enough. If you only retain one thing from this text it should be this:

*"I'm going to remain silent. I would like to speak with my attorney."*

If they try to chat you up about sports, that is all that you can say. If they bang your head against the wall, that is all that you can say. If the good cop tells you that he is trying to help you out here and then the bad cop gets all up in your face, if they tell you that they are going to put you in a cell with Big Bad Bob the serial rapist and that he's going to make you wish that you had never been born, and that your friend snitched on you and they know

everything already anyway, if they kick you and punch you and grope you and drag you around and deny you food and water and sleep and medical treatment, if they take your clothes from you and soak you down with ice water, or close all the windows and turn the heat up, or handcuff you to a chair and leave you there until you piss and shit yourself, that is still all that you can say. No matter what they say or do, you have to say this:

*“I’m going to remain silent. I would like to speak with my attorney.”*

And nothing else. If you slip up and start to talk, you absolutely will see every word you speak used against you in court. If you don’t, eventually they will give up.

You will be in some sort of local or municipal police precinct or substation. Within about forty-eight hours of your arrest you will be given an arraignment. This is your initial appearance before a judge in a criminal case. Specific charges will be lodged against you, a lawyer will be appointed to you if you have not yet secured one, you will enter a plea of guilty or not guilty, and bail will either be set or denied to you, depending on the severity of your charges and a variety of other factors. Regardless of your eventual legal strategy, you want to enter a plea of not guilty at this point. Contact your people as soon as you can and tell them to start working on getting you a lawyer and getting you bailed out.

## **In Jail**

After your arraignment you will probably be moved to the county lockup. This place usually houses people who are awaiting trial, serving relatively short terms, or finishing off the end of a sentence from the state penitentiary. You will be given some food, a hot shower, and eventually put into general population. As much as you will hate to admit it, the shower will feel really, really good.

This is where you will have to begin to acclimate yourself to the two types of people that your world will be comprised of for the time being: inmates and guards. You will quickly learn that guards are the most offensive, foul-mouthed, verbally abusive people on the face of the planet. If you’re put in a men’s jail, you will be expected to “LIFT YA NUTS! SPREAD YA ASS!” at the drop of a hat, you will be given notice that if you “PLAY THE PUSSY YA GET FUCKED!” and you will have to listen to all sorts of talk about “COCKSUCKER!” this and “FAGGOT!” that. Most of this is just to get a rise out of you. If you seem thin-skinned, they will never let up. Don’t act outright hostile or give them a good excuse to kick your ass—they will do it. Do not cower, grovel, or act too submissive, either—this will not set a good tone at all. Stay polite and do not show any sign of weakness. Once their interest in you wears off, it will be easier.

Prisoners and guards have a complex and bizarre relationship. Watch and learn from the subtle and not-so-subtle ways that inmates have of undermining a guard’s authority just enough to get what they want or need, but not quite enough to get their heads kicked in. Be extremely cautious and judicious about doing so yourself, though, especially when you are new and especially if you are not perceived as being a part of the incarcerated class,

which is given some leeway to mouth off. Just because the guy next to you can get away with banging a cup on the floor outside his cell and going, “TURNKEY! TURNKEY! HOW ‘BOUT YOU GET ME SOME FUCKIN’ WATER! DAMN!” doesn’t necessarily mean that you can.

Jail is a Catch-22 in all sorts of ways. For one thing, the richer and whiter you are, the more lenient the court system is with you, but the harder the other prisoners are on you. Where you fit in will depend on the color of your skin, how you carry yourself, and how you talk. Regardless, you have got to come correct. You need to be able to explain yourself, simply and succinctly, in a way that your fellow inmates can relate to. Being able to do this well will do more to enhance your quality of life in jail than just about anything else. Do not act all indignant or incessantly proclaim your innocence. Do not gripe and complain. Somebody has got it worse than you, everyone has gotten a raw deal, and nobody wants to hear your sob story.

You will be amazed at the utter lack of security culture among many inmates. You will hear all about the armed robberies that your cellmate got away with, how he’s got this big plan to get a shit-ton of crank from his man in Chicago, and how there are bodies on the gun in the shoebox under the bed at his grandma’s house and he sure hopes the DA doesn’t put the pieces together before his boy Carlos can swing by there to scoop it up. Most of this is pure gas, of course, but some of it is probably true. For god’s sake, do not take part in this sort of foolishness. If the state wants you badly enough, they can always lean on somebody around you to see if you have been talking. If you have been, you have done their job for them, and you will hear about it in court. You can say what you are being charged with—that’s already on the record—but not much else at this point. Talk about your politics if you want, but not your case.

It varies from state to state, but within about ten days of your arrest you should be given either a preliminary hearing or a grand jury hearing. This is a test of the charges against you. The prosecutor must present evidence and witnesses that prove that a crime has been committed and that there is probable cause to believe that you committed it. This is a much lower legal threshold than the one they have to cross to get a conviction, which is proof “beyond a reasonable doubt.” This is a very important hearing, because it will probably be your only chance to see and hear some portion of the testimony and evidence that the state intends to use against you at trial. You do not have to testify or present any witnesses or evidence at this hearing, and generally you will not want to, because to do so would simply give the prosecutor the opportunity to hear your side of the story and prepare to refute it. If the judge finds the existence of probable cause—and they usually do—then you will be formally indicted on the charge or charges, and a trial date will be set.

Do your time; don’t let it do you. Read, write, exercise, meditate, do whatever you need to do to stay focused and positive. Try not to watch TV. The world you are in is totally fucked up, but it’s not like all of the natural impulses toward mutual aid have been smothered out of all of its inhabitants, either. You will start to see some of the ways that inmates have of looking out for each other. For example, your cellmate Rico will be sticking a paper clip into the wall socket to get a spark to light a blunt. You will see that bastard CO Parker coming just in time for you to warn Rico to slip said blunt under his mattress before Parker comes

barging in. After Parker has left, Rico will say “Good looking out, good looking out,” which basically means, “you and I are in a bad position here and we’ve got to help each other survive; you just did your part and I appreciate it.” You can even learn something from the guys with their arms around each other on Sunday talking about the valley of the shadow of death, or from the Muslims bowing to Mecca and reciting the morning prayers. I am no fan of organized religion, but I know what they are talking about, and why.

If we ecologically-minded anti-authoritarians ever do manage to start putting the brakes on our civilization’s death march, we will see large numbers of us imprisoned. Every revolutionary movement anywhere ever has had to deal with this. It is outside the realm of my experience, but we will have to find ways to continue the struggle from inside the penal system, so that incarceration is not the end of the road politically for an individual, but is simply one undesirable, but acceptable, stage of development. There are all sorts of precedents for this historically and globally, from Long Kesh to Kurdistan, Attica, Colombia, and Seattle. Even the gangs are somewhat instructive in this regard, since they have enough power in many prisons to ensure that their members are treated relatively well. This sort of welcoming committee on the inside would take a lot of the terror out of imprisonment, and those of us on the outside would have much less reason to hold back. Do what you can toward this end, but make no mistake, we are a long way from being there now.

Someone who has spent more time locked up than I have could write about the minutiae of surviving it better than I can, but suffice it to say that, yes, prison is a terrible place, especially when nobody knows you and nobody has your back. People do get beaten and stabbed and raped and killed.

So it won’t hurt you to be as physically imposing as possible, or to know how to fight, but don’t get it twisted: what is going to help you survive the most will not be your body, but your mouth and your mind. I don’t mean strutting around and trying to prove that you are hard. I mean that you will have to earn some respect by carrying yourself honorably, by embodying the struggle for the people and the land like the humble and courageous warrior that you are.

Once you have spent a little bit of time behind bars, you will come to a number of pretty visceral realizations. First, that holding a wild animal in captivity is an abominable violation of the spirit of both the captor and the captive, a deadly sin if the term has any meaning at all. You will have time to reflect on how utterly cynical the system that you are trapped in is, how it nurtures all that is most virulent and violent in a person—how it creates, destroys, produces, consumes, breeds, and unleashes the monsters that give it everlasting life. Prison makes killers and killers make prisons, and the rich bastards that are making a killing from the whole sick farce are laughing all the way to the bank.

If you are a man, and if you are wise, you will think about how it feels to be in imminent danger of sexual violence every minute of every day, and about how it must feel to the women who have to deal with that all the time. If you are white, you will be given a glimpse of what it is like to be a member of a disempowered and endangered racial minority, and of what it must be like for the people of color who have to cope with that predicament all the time.

You will notice that in some respects the whole situation is a lot more honest with the veneer of consent stripped away. It's all about unadulterated force, and nobody pretends that it is not. You do what you are told, whether you like it or not, or else you get hurt.

It will occur to you that there is so much that one can do with a day, an hour, a minute, a week, a month, a year, a life. You will be in awe of how amazingly awesome it would be to walk around your shitty town, hang out with your friends, talk to your mom, play guitar, sleep in someone's arms, masturbate, have sex, cry, pet your cat, cook, hike, drive, sleep in; see the sun, moon, stars, sky, trees, birds, and squirrels; or feel fire, rain, and wind. You will not be able to understand how you could have ever taken any of this for granted. On some level that you will not be very comfortable with or proud of, you will feel like a fool for gambling with your freedom: no matter how urgent, imperative, courageous, and noble whatever you did was, it will seem trifling in comparison to all that you have lost. You will swear that if you ever do get out, you will never again let a day pass without squeezing every last drop from it, without being thankful at what a blessing it is to be able to live it—that you will never again lose sight of this heartbreaking wish that you now have to live.

If you do ever get out, you will eventually lose this feeling, but you will always come back to it, or it to you. If you don't get out, then you will have to learn the hard way that what makes life worth living runs so deep in you that nothing can take it away, that you keep it with you wherever you go. Either way, you will never be quite the same again. You will be stronger, or broken.

At some point, hopefully, you will get bailed out, although if your charges are serious enough or your bail is high enough you may not. If at all possible, regardless of who puts up the money or how it is raised, get the bond posted in your name only, so that if you end up going into hiding they can't bankrupt your people. If that big old square-headed guard does come by to tell you that you're going home, then you will witness the amusing spectacle of every felonious hard-ass convict on your block divvying up your paper, pencils, toothpaste, pillows, towels, blankets, Ramen noodles, toenail clippers, and anything else of value, smiling like kids at Christmas, sincerely happy for you and thrilled to see you leave. Rico will make you promise to smoke a fat-ass blunt for him, kid, and will want you to call his boy Carlos for him. Nothing will ever have been finer than the moment when you finally step outside into the sun, but in some ways getting out is harder than being in, because once you get out you are afraid of going back.

## **Preparing for Trial**

I suppose that this is as good a time as any to bring up a most irksome and vexatious subject—your lawyer. Under the best of circumstances, your relationship with this person will be more infuriating and frustrating than just about anything else. You may go through more than one before you settle on the lawyer that will go to trial with you. You don't really need anything more than the public defender for your arraignment, but you need to be getting down to business by the time your preliminary hearing rolls around.

Well-meaning activists—who, incidentally, are not facing prison terms—will be quick to point you to all sorts of sympathetic movement lawyers that your judge will probably hate. Now, I'm not saying that it's a bad thing for your lawyer to sympathize with you politically, but that is not your top concern. All lawyers, even activist lawyers, are mercenaries. You have plenty of friends. You don't need a friend; you need a gunslinger. Your top concern is not your lawyer's politics—although you don't want one who is actively opposed to your own—but his or her trial record, past performance, relationship with judges and prosecutors, and so on. It's a horrible little world to find yourself involved with, but here you are, so act accordingly. This is not the time to fuck around. You and your people need to do all the research you possibly can, and you need to hire yourself the best bastard that you can afford. Obviously, the poorer you are, the more thoroughly screwed over you are going to be. Borrow money from everyone you have ever known if you have to. It completely blows, but it's how the system works. If you are facing serious felony charges, you want the cat who knows where bodies are buried and who has gotten people off death row.

Other well-meaning activists will tell you all about how you should put the system on trial, represent yourself, use the trial as a forum, denounce capitalism and Western civilization before the court, act wild, and so on. All of that pacifist talk about speaking truth to power has its time and place, but I suggest that you think long and hard before you decide to speechify for the benefit of the district attorney, the judge, and the court reporter. Strange courtroom antics are usually only wise for someone who is not facing particularly serious charges and thus has less to lose, or for someone who is either so obviously getting railroaded or is so inarguably guilty by legal standards that something out of left field is the most reasonable option. Now, there have been times where this sort of thing has worked, but they have been the exceptions to the rule. The MOVE organization's fearless, uncompromising, and often victorious battles with the law are one example. If you are going to go down that road, you have got to go all the way, and you had better do it well.

The whole game is extremely cynical. The state's goal is to do everything they can to put you away for as long as possible, and your job is to beat your charges without betraying anyone else. If you have a co-defendant or co-defendants, you must create and maintain a bond with them that is so powerful that literally nothing can break it. At every step of the way, the state will do everything it can to play you against one another. You have got to hang together or you will hang alone. This should go without saying, but the one thing that you cannot do is to try to save yourself at someone else's expense. You cannot cooperate with the prosecution or turn state's witness. If you have already done this then stop reading this text this minute and kill yourself. Seriously.

If you do have co-defendants, it is good policy to agree that none of you will accept any plea bargains without the approval of the others. If there is an extreme disparity between the amounts of time that you are looking at, then the person in the deepest trouble should have the final say. Make sure that your lawyer understands that this is your position. Have no illusions about what having a gunslinger in your corner means. Your lawyer will have absolutely no reservations about acting against the best interests of your co-defendants, your associates, the movement, or anyone else who is not paying him or her. Lawyers work for unscrupulous characters all the time that cut each other's throats on the regular. This is

normal procedure in their world. Make it clear that this is unacceptable. Your lawyer should respect you on some level for it unless he or she is a total scumbag.

As your case progresses, you will discover the maddening truth that your troubles are much, much, much more important to you than they are to your lawyer. You will be urgently trying to glean a vital piece of news about the hearing that is coming up in ten days, and he or she will be off in another county all week messing around at the trial of some dude that knocked over a liquor store two years ago. Your lawyer will have a whole host of poor bastards on his or her hands that are each individually every bit as desperate as you are. This, however, is his or her problem, not yours. The squeaky wheel gets the grease, and you've got to do everything you can to make sure that your needs are met. If you let them sweep you under the rug, they will sweep you under the rug. This will all be substantially more problematic if you are still locked up. Call, call, call, and visit the office as necessary. Be extremely courteous and respectful to the secretaries: they hold the keys to the castle. Learn how the various personalities in the office interact, and how to approach who when in order to get what. Make sure that you don't have a communication breakdown and miss a court date, and get a bench warrant issued for you, and have your bail revoked.

In the name of all that is holy: do not talk to the press about your case, and do not let anyone else do so in your name. Anything you say will come back to haunt you in court. Believe me. Keep yourself out of trouble until your trial if you are out on bail.

While you are awaiting trial, your friends and family and supporters will want to know what they can do to help you. This can be somewhat overwhelming, but you will need all the help that you can get. Some help helps, though, and some help hurts. Make sure that anyone acting on your behalf is accountable to you and to what you believe to be your best interests. Be wary of anyone who is using you in the service of his own agenda, whatever it might be. This may be even harder, but be very, very firm with your family if they flip out and try to get you to cooperate with the authorities because they think that is going to get you out of trouble. It won't. Don't let anybody push you around, even if it is someone who loves you.

Don't go it alone. Close ranks with the people that you trust with your life, and let them help you. Folks can help you raise bail and legal money, find and research and deal with lawyers, do outreach to put the word out about the case if you decide that is to your advantage, find and locate witnesses and evidence and expert witnesses if that is appropriate, turn people out to the courtroom at your trial and other appearances if that is what you want, secure endorsements from reputable community members, deal with the press in some way if necessary, keep you mentally, emotionally, and spiritually together, and about a thousand and one other things. Listen, always, to those that you trust—but it is your head on the block, so you had better be calling the shots. Again, this will all be much harder if you cannot get out on bail. If that is the case, then your closest supporters will be even more important to you.

Every felony case is a minor legal saga, and every one is different, but one way or another you are going to have some period of time between your preliminary or grand jury hearing and your trial, with various other hearings, appeals, motions, and other appearances thrown in the mix. Depending on how they want to treat you, the state can take you to trial incredibly

quickly, or they can take an extraordinarily long time. Either way, it's not too damn pleasant. Study your transcripts and the relevant case law until you know everything backwards and forwards. If you are still locked up, you should use the law library every second that you can. There is also an amazing amount of aggregate legal knowledge out there amongst prisoners and jailhouse lawyers that you can draw from. Take everything you hear with a grain of salt, but listen and learn nonetheless. This will all make it easier to deal with your lawyer. Again, though, when talking about your case to anyone, never, ever, discuss what you "did" or "didn't do," only what is relevant to what is on the record from your preliminary or grand jury hearing about what you "allegedly" did.

This will be a very difficult period of time. Remember who is there for you and who isn't, and never forget it. Do everything you can to improve your situation, but don't dwell on the fact that you're in it. Find something else to work on, not to the detriment of your case, but enough to keep the abyss from eating you alive. You will be, by turns, extremely depressed and angry and in denial. In fact, you will pass roughly through the classic stages of grief between your arrest and your trial, with all of the madness that entails. You will be terrified of going back to jail, or of going to prison if you are awaiting trial in county. You will contemplate being raped often. You will have nightmares. You will be an unholy pain in the ass to deal with for the people that love you most, and occasionally you will be completely off your rocker. You will resent everyone who has the privilege of forgetting, even for a second, that you have to think about your trial every minute of every day. You will feel like you have a terminal illness. You will meet people and talk to them and you won't know if they know. You will feel like a drain and a burden on everyone around you. You will find yourself trying to tie up every loose end in your life, and you will catch yourself wondering if this is the last time you will see your grandma, or this lake, or that tree. You will hate people that try to put a sunny face on and tell you that you everything will be all right.

If you are out on bail you will have two other options that will look at least somewhat attractive—going into hiding and killing yourself. I will address them separately. I am not going to say that it never makes sense to run. Sometimes it does. If you are facing nasty felonies, and you know you are going to get convicted, and it's obvious that it's going to go badly, sometimes it is best to get the hell out of Dodge. If you go that route, then my prayers are with you. There's no turning back, ever. Staying free won't be easy, or romantic, or safe, or fun. They will look for you, and if you slip up they will find you. Please, only consider this in the direst of circumstances, and don't even think about it unless you have a viable plan as to how exactly you are going to live on the lam for the rest of your life. I'd rather do five to ten years than have to hide forever. When you start talking ten to twenty and more is when I might start making other plans.

Concerning suicide, all I can say is that there were times where the one thought that sustained me was that the bastards who were doing this to me were trying to kill me, and that I would be damned if I would do the job for them. It's fucked up, but if you have to keep yourself alive out of sheer spite then that's what you've got to do.

Use the time before your trial to live so that you will have no regrets if you do go to jail. Be as good as you can to the ones you love. Find a way to stare down the barrel of the worst

that can happen to you and accept it. That way you can only be surprised for the better. Call on the spirits and give thanks before you go, if you can. I'm not too proud to admit that I did.

## Going to Trial

The day will come when you will have to go to the big dance. Get yourself a haircut and some dress clothes and look presentable. Needless to say, one person who is going to have a marked effect on your prospects at this point will be the judge. Your lawyer and the district attorney will both try to monkey with the process to get as favorable a judge as possible on the case. You will have a choice between a bench trial and a jury trial. In a jury trial, the jury determines innocence or guilt, and the judge imposes the sentence, if any. In a bench trial, the judge determines innocence or guilt, as well as the sentence. You cannot be forced to have a bench trial. You can have a jury trial if you want one. There are situations where either one is preferable. I am no legal expert, but I think it's fair to say that judges are more predictable than juries, which could be good or bad. If the judge has an extremely nasty reputation you definitely don't want a bench trial. If the judge has a good reputation, and the state's case is not very strong, you might do better at the bench. If the accusations against you are such that a random jury pool is likely to be sympathetic, you might do better with a jury. If you are accused of something toward which a random jury pool is likely to be antagonistic, you might do better with the judge. One disadvantage of a bench trial is that it eliminates the possibility of a hung jury. Listen to the advice of your lawyer, listen to your gut instinct, and pray that you make the right choice.

I don't think it ever hurts to pack the courtroom; just make sure that everyone is accountable to you, and does or doesn't do whatever it is that you want them to. Generally the order of events will be as follows: jury selection, followed by defense and then prosecution opening statements; prosecution evidence and witnesses, and defense cross-examination; defense evidence and witnesses, and prosecution cross-examination; defense and then prosecution closing statements; deliberation; and the rendering of the verdict. How long all this will take depends wholly on how complicated your case is. There are far too many variables to really get into here, but suffice it to say this is zero hour and it's time to throw down. If you are going to testify, eat some food beforehand so you don't get lightheaded. Speak clearly and don't let the DA get you flustered.

And then it will be over. You will either take the short walk around the banister into the arms of someone who loves you, or the long walk with the bailiff through the back door, down the hall, and back into the system. If you take the short walk, then nothing will ever have been so sublime, and you will swear that you will never take anything for granted ever again, and that you will never forget Rico and everyone else that you left inside, and that you will do everything you can every day for the rest of your life to leave the world a little better. If you take the long walk, you will keep your head up, and you will stay strong, and you will do your time like a warrior, because that is what you are and what you will have to do. You will continue through the process of appeals, and of Appellate and Superior and Supreme Courts, and you will exhaust every possible avenue to overturn or reduce your

sentence. Maybe it will work and maybe it will not. Someday your time will be up and they will let you out, and then for real nothing will ever have been so sublime. Unless, of course, you are REALLY in hot water and you are not ever going to get out, in which case you will still remain unbroken. You will continue the struggle, even when everything has been taken from you, and your spirit will still be free.

Either way, the frogs will still croak and the buds will still blossom, and people will still love each other, and you. This cancerous prison that mankind has erected for itself will continue to teeter toward its increasingly imminent collapse, and the sooner the better, I say. We will continue to wage war on that system, and to learn and relearn how to live in harmony with each other and with the earth, because if we do not then we will all surely die. If we do all die, then we will return to the earth, and the ashes of our species will decompose in its bosom, and eventually something will grow up out of the compost. One time, in total despair, I looked down and saw two hornets fucking in the dust, and I saw that it was good. In the long run, everything really will be all right, and I mean that. Hell, there are folks out there doing bids longer than I really expect to see civilization as we know it last. That's something to think about when you're getting down in the mouth!

Remember: your body will always be a part of the magnificent web of life, of plants and animals inhaling oxygen and carbon dioxide, of birth and death and decomposition. You are in the embrace of an unbroken body of ghosts that reaches back through every place since the dawn of time. We have done everything that we could to combat all that is abusive and cruel. We have endured every manner of suffering and tribulation and we have never surrendered. No matter what, know that we love you, that we give thanks to you for what you have done, and that your efforts—whatever they have been—have not been in vain.

find each other.



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How to Survive a Felony Trial  
Keeping Your Head up through the Worst of It  
February 8, 2017

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