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For more information, and any accessibility concerns, please contact Dana Eddy at dana.f.eddy@wv.gov.

Your Attorney May Need to Know More About You Before Your Sentencing, Such As:

1. How are you employed?
2. Do you receive any public benefits?
3. What is your family situation (who do you live with and care for)?
4. Do you own, or will you want to own, any firearms?
5. Where you were born?

Prior Criminal History:

Some of your past charges may have an affect on your current charges. Tell your attorney details of any prior convictions – whether a felony or misdemeanor – and whether you are now on probation or parole or if you have current pending charges (in any county or state). List your past charges or current legal involvement here:

_____
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Things to Ask My Attorney: Other Questions I Have

After you and your attorney have decided the best way to resolve your case, you may still have questions about sentencing, court costs, fines, and so forth. This space is for you to **write down** those questions to ask your attorney at a later time:

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For More Information, talk to your attorney. You can contact your attorney here:

_____
_____
_____
_____

Public Defender Corporation Resource Center, a part of Public Defender Services, prepared this document for Public Defender Corporations.

Public Defender Services

Collateral Consequences of Criminal Convictions

Entering into a plea of guilty to a felony, misdemeanor, or probation violation may carry consequences and have an impact on your future beyond the court's sentence. A collateral consequence is a consequence imposed on a person automatically upon conviction, even if it is not outlined in the court's sentence. Collateral consequences can be penalties, disadvantages, or a loss of rights or privileges resulting from a criminal conviction.

This brochure provides topic areas that may or may not apply to you. The topic areas are for you to review and then discuss with your attorney the different collateral consequences that may arise from a guilty plea. Different kinds of convictions have different consequences, and this brochure lists some of the consequences with check boxes beside the questions for you to mark which questions apply to you. This brochure is not intended to address *every* possible consequence of a conviction. It is a starting point for you and your attorney to discuss the issues in your life that are important to you, and which of those may be affected by a guilty plea.

The answers you give on this brochure should be kept private, and only shared with your attorney.

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Tell your attorney if ANY of the following apply to you:

Education

Certain types of criminal convictions can affect eligibility for post-high school education loans.

- ❑ Are you currently enrolled in a post-high school educational program?
- ❑ Do you now or have you received any state or federal money from student loans?
- ❑ Does your current charge involve a drug crime? Did you receive federal loan money at the time of your charge?

For juveniles:

- ❑ Are you currently suspended/expelled from school, or is suspension/expulsion pending?
- ❑ Are the charges against you supposed to have occurred during the time you were enrolled in school or while on the bus?

Family/Domestic Rights

- ❑ Do you have custody of any children?
- ❑ Have you applied to adopt a child or to serve as a foster parent?
- ❑ Do you intend to petition the court to become the guardian of any child?
- ❑ Are you a guardian/conservator?
- ❑ Do you pay child support?
- ❑ If your charges involve a sex offense, are there minor children in your home?

Occupational Licenses

Certain types and levels of convictions could affect certain professional and occupational licenses, even though changes have been made in West Virginia to decide on a case-by-case basis if the conviction prevents or delays licensure.

- ❑ Do you currently hold a professional or occupational license?
- ❑ Are you considering renewing or reinstating a professional or occupational license?
- ❑ Are you in school or any other educational program to become licensed or certified? In what field?
- ❑ Are you currently training in a field to become licensed? What license will you eventually achieve?

Driving

If you are charged with Driving Under the Influence your attorney will explain to you the sentences, fines, fees, and suspensions that may apply to your case. Convictions for other types of crimes can also affect your driver's license and your right to drive.

- ❑ Do you owe any court fines or fees? How long ago was the conviction when the fines/fees were assessed? Have you made any payments on those fines/fees?
- ❑ Do you owe back child support?
- ❑ How many prior DUI convictions do you have?
- ❑ How many prior driving on suspended/revoked convictions do you have?
- ❑ Do you hold a CDL (commercial driver's license) connected to your job?
- ❑ Does your job require you to drive?

Firearms

- ❑ Do you own firearms?
- ❑ Do you live with other members of the household who own firearms?
- ❑ Does your job require you to be able to shoot and carry a firearm?
- ❑ Do you have a license to carry a firearm?
- ❑ Do you want to own firearms in the future?

Public Benefits & Housing

- ❑ Do you live in public housing (HUD, Section 8)?
- ❑ Are there minor children in your home?
- ❑ Do you receive a check from Social Security (SSI - Supplemental Security Income, or SSDI - Social Security Disability Income)?
- ❑ Do you receive old-age pension or survivors social security benefits?
- ❑ Do you receive food stamps (SNAP) or TANF assistance?
- ❑ Are you receiving unemployment benefits?
- ❑ Are your receiving workers' compensation benefits?
- ❑ Are you receiving veterans' benefits?
- ❑ Do you or residents of your home have felony drug and/or weapons (gun) convictions?

Immigration

- ❑ Were you born outside the United States? If so, where?
- ❑ How long have you lived in the United States?
- ❑ Have you become a United States citizen?
- ❑ If not, do you have permission from the United States government to be here?
- ❑ If you have permission, what is your status?
  - ❑ Green card, legal permanent resident;
  - ❑ Visa, legal non-immigrant;
  - ❑ Refugee, asylum;
  - ❑ Temporary protected status;
  - ❑ Undocumented.
- ❑ Do you plan on staying in the United States or ever becoming a United States citizen?
- ❑ If not a citizen, do you have family in the United States? Locally?
- ❑ Have you applied for consideration under DACA?

Employment

Certain types of convictions could affect your eligibility to work in certain occupations. In addition to that, many employers require criminal background checks before deciding whether to hire an applicant.

- ❑ Are you unemployed with a history of prior convictions and looking for a job?
- ❑ If not, are your current charges related to your job in some way (for example, alleged stealing from your employer)?
- ❑ Are you currently employed in law enforcement, as a fire fighter, in a pharmacy or opioid treatment program, in a gambling facility, as a teacher, with the Department of Transportation, or as a correctional officer? Specifically mention any of these positions to your attorney to discuss if there are consequences to your employment based on pleading guilty to a felony or misdemeanor.
- ❑ Do you intend to one day seek a job that requires a professional license, certificate, or permit? Discuss this with your attorney.
- ❑ Do you intend to join the Army, Marines, or other armed services' branch?