

FAST ADVICE

What to Do in the First 48 Hours After a Criminal Charge

A Step-by-Step Guide for
Individuals and Families.

Dear Reader,

Thank you for downloading this guide.

The fact that you are reading this tells me you are already doing something right. You are taking this seriously, and you are looking for answers. That matters more than you may realize right now.

I have spent more than 20 years defending people who found themselves exactly where you are today. Scared. Uncertain. Wondering what happens next, and whether things will ever feel normal again.

I understand that fear. And I want you to know that a criminal charge, however serious, does not have to define your future.

This guide was written to give you a clear, honest starting point. It is not legal advice, and it does not replace a conversation with an attorney.

What it will do is help you understand what the next 48 hours look like, what actions protect you, and what mistakes to avoid before you have legal representation in place.

Read through it carefully.

Share it with the people who love you and are trying to help. Use it as a reference.

The more informed you are, the better placed you are to make good decisions under pressure.

I hope it brings you some clarity in what is, I know, a very difficult moment.

With respect,

Ghislaine M. Storr Burks

Criminal Defense Attorney

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The decisions made in the first 48 hours can shape everything that follows.

If you or someone you love has just been charged with a crime, it is completely normal to feel overwhelmed, frightened, and unsure of what to do next. The system moves fast, and most people have no idea what they are allowed to do, what they are required to do, or what they should absolutely avoid doing.

This guide is here to help. It gives you a clear, practical path through the first 48 hours, written in plain language so that you can take the right steps even under enormous pressure.

You are not alone. And with the right information, you can protect yourself and your future.

Step 1: Do NOT Speak to Law Enforcement Alone

This is the single most important thing you can do in the hours following a charge.

Whatever you say to law enforcement can and will be used against you.

This applies even to casual, well-meaning conversation.

Even if you are completely innocent.

Even if you just want to explain your side of the story.

The legal system is complex, and statements made without an attorney present are frequently misunderstood, taken out of context, or used in ways you would never expect.

You have the constitutional right to remain silent. Use it.

What to say: "I am invoking my right to remain silent. I will not answer questions without my attorney present."

If you are the family member or friend of someone who has been charged, gently but firmly remind them of this.

The instinct to talk, to explain, to make it better, is natural. But it is one of the most common and costly mistakes made in the aftermath of a charge.

Stay calm. Be respectful to officers. But do not answer questions, make statements, or sign anything without legal representation.

Step 2: Stop All Social Media Activity Immediately

The moment a charge is made, everything you have ever posted online becomes potentially relevant.

Photos, check-ins, comments, messages, even old posts from years ago can be pulled as evidence and used against you in court.

This is not an overstatement.

Prosecutors and investigators routinely review social media accounts as part of their preparation.

A post that seems completely harmless to you could be interpreted very differently in a courtroom.

Take these steps right now:

- Lock down all social media accounts and set them to private.
- Do not post anything about the charge, the incident, or your situation.
- Do not discuss the case online with anyone, including in private messages.
- Ask close friends and family to avoid posting about it too.
- Do not delete existing posts. Deleting posts can be treated as destruction of evidence.

The safest approach is to go completely silent online until your attorney advises you otherwise.

Step 3: Write Down Everything You Remember

Memory fades quickly, especially under stress.

In the hours immediately following a charge, your recollection of events is at its most detailed and accurate.

That detail could be critical to your defense.

As soon as you are able to, sit down and write out everything you can remember. Include:

- The full sequence of events leading up to the charge, in chronological order.
- The names, descriptions, and contact details of anyone who was present.
- Everything that was said, including exact words if you can recall them.
- What any officers said or did, including badge numbers if you noted them.
- The location, time, and any other relevant details.
- Any witnesses who may have seen what happened.

Write this down on paper or in a secure private document and share it only with your attorney.

Do not send it by text, email, or any platform that could be accessed by others.

The more detail you can give your attorney, the stronger the foundation for your defense.

Step 4: Call an Attorney Before Your First Court Date

Your first court appearance sets the tone for your entire case.

It is not simply a formality.

What happens at that first hearing can affect your bail, your charges, and the options available to you going forward.

Walking in without representation, or with an attorney who does not have enough time to prepare, can cost you options you will never get back.

This is not about whether you can afford it.

Many attorneys offer free initial consultations.

At Gardner & Burks, we will speak with you before you commit to anything. What matters is that you do not go to that first hearing alone.

If someone you love has been charged and is currently in custody, contact an attorney on their behalf as soon as possible.

Time is genuinely critical here.

Decisions made in the first 24 to 48 hours can directly impact bail conditions, and the sooner an attorney is involved, the better the outcome tends to be.

Do not wait until the night before your court date. The earlier you call, the more your attorney can do for you.

Step 5: Do Not Contact Alleged Victims or Witnesses

This is one of the most important rules in this guide, and one of the most commonly broken.

In the aftermath of a charge, it can feel urgent to reach out.

To explain. To apologize. To clear the air.

Resist that impulse completely.

Any contact with an alleged victim or witness, however well-intentioned, can be treated as witness tampering or intimidation.

It does not matter if your message was friendly or conciliatory.

The legal consequences of that contact could be severe, and it could significantly damage your defense.

This applies to:

- Direct calls, texts, or emails.
- Contact through mutual friends or family members.
- Social media messages or comments.
- Indirect communication of any kind.

All communication with any party related to the charge must go through your attorney. This protects you and protects your case.

Step 6: Gather and Preserve Evidence in Your Favor

While you are protecting yourself from saying or doing the wrong thing, it is equally important to take steps that could actively support your defense. Evidence disappears quickly. Act now.

Think carefully about whether any of the following are relevant to your situation:

- **Receipts, tickets, or records that place you somewhere specific at the time of the alleged incident.**
- **Text messages or emails that support your version of events.**
- **Photos or video footage from the scene, nearby cameras, or your own devices.**
- **Witness contact information for people who can speak to your character or your whereabouts.**
- **Any documentation that contradicts the allegations against you.**

Collect and preserve everything you can, but do not alter, delete, or tamper with anything. Hand everything directly to your attorney and let them determine what is relevant.

Evidence that seems minor to you could be the difference that changes the outcome of your case.

Take action now...

A criminal charge is not the end of the road.

In over 20 years of criminal defense work, I have seen people come through situations that felt hopeless and build strong, full lives on the other side.

What made the difference, again and again, was getting the right help at the right time.

The steps in this guide matter. But they are only the beginning.

The most important thing you can do right now is speak with an attorney who knows Virginia criminal law, understands the Fredericksburg courts, and has the experience to build a real defense on your behalf.

That is exactly what we do at Gardner & Burks.

We have been defending clients in this community since 1979. We know these courts. We know what works.

And we will fight for you.

Ghislaine M. Storr Burks

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