

1.1 Importance of Pretrial Release

A critical first step in any case is to seek pretrial release of an in-custody client. Pretrial release has an obvious and immediate benefit for your client, but it also has other positive consequences for preparation of the case.

- Your client can meet with you more easily and help you prepare for trial by, for example, showing you relevant places and locating witnesses.
- Your client has the opportunity to demonstrate good behavior by getting a job, supporting his or her family, and other actions.
- Your client may put greater faith in your judgment on issues such as whether to testify or accept a plea.
- Your client may receive a better result at trial or sentencing simply because he or she is not in jail. *See Campbell v. McGruder*, 580 F.2d 521 (D.C. Cir. 1978) (discussing phenomenon that defendant who is not incarcerated at time of trial stands better chance of being acquitted or, if convicted, receiving probationary sentence).

In some situations, your client may decide not to seek pretrial release. For example, he or she may have a better chance of receiving a misdemeanor plea on a felony charge or a sentence of time served. He or she also may have personal reasons (drug addiction, homelessness, or the prospect of a violent confrontation with another person) for preferring to stay in jail. Ultimately, however, it is for the client to decide whether to forego seeking pretrial release. *See generally* N.C. STATE BAR REV'D RULES OF PROF'L CONDUCT R. 1.2 (allocation of authority between lawyer and client).