



LAW OFFICE OF
REBECCA A. MONEZ
A PROFESSIONAL LAW CORPORATION

KNOW YOUR RIGHTS

The Citizen's Guide to Your Rights

WHEN STOPPED, DETAINED, OR ARRESTED

A plain-English handbook to the constitutional protections that belong to you — and exactly how to use them when it matters most.



Law Office of Rebecca A. Monez

CRIMINAL DEFENSE • MODESTO & STANISLAUS COUNTY, CALIFORNIA

A NOTE BEFORE YOU BEGIN

Important — Please Read

This guide is published by the **Law Office of Rebecka A. Monez** as a free educational resource for members of the public in California. It explains, in everyday language, the rights that the United States Constitution and California law give to people who are stopped, questioned, detained, or arrested.

This is information, not legal advice.

Reading this guide does **not** create an attorney–client relationship between you and the Law Office of Rebecka A. Monez. Every situation is different, and the law changes over time. Nothing here is a substitute for advice from a licensed attorney who knows the specific facts of your case. If you have been arrested or charged with a crime, you should speak with a criminal defense attorney as soon as possible.

If you are in an emergency.

If you or someone else is in immediate danger, call 911. If you have been arrested, the single most powerful thing you can do is stay calm, be polite, and ask for a lawyer. This guide will show you how.

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A WELCOME FROM REBECCA

Your Rights Only Protect You If You Know Them

In years of defending people in Modesto and across Stanislaus County, I have seen the same thing happen again and again: good, honest people lose their rights not because someone took them away, but because no one ever told them what those rights were.

A traffic stop becomes a search. A “quick conversation” at the police station becomes a confession. A moment of panic turns into words that follow a person for years. Almost every time, the outcome could have been different if the person had known — calmly and confidently — what they were allowed to say, what they were allowed to refuse, and what the officers were and were not allowed to do.

That is why I wrote this guide. Not to make you afraid of the police, and not to tell you how to break the law, but to make sure that if you ever find yourself in one of these moments, you are not standing there guessing. The Constitution already gives you remarkable protections. My goal is simply to put them in your hands, in plain English, before you need them.

THE ONE IDEA TO REMEMBER

You almost never have to talk your way out of trouble in the moment. You have the right to stay quiet, the right to a lawyer, and the right to be treated like a human being. Using those rights is not an admission of guilt — it is the smartest, most lawful thing you can do.

Read this when you are calm, share it with the people you love, and keep it where you can find it. I hope you never need it. But if you do, I want you to be ready.

Rebecka A. Monez

FOUNDING ATTORNEY • 2025 LITIGATOR OF THE YEAR

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PART ONE

The Nine Rights Every Californian Should Know

These protections do not depend on your background, your immigration status, or whether you are guilty or innocent. They belong to you the moment an officer makes contact — and they stay with you through every step that follows.



RIGHT NUMBER ONE

The Right to Remain Silent

You have the right to remain silent — use it. No one can hold your silence against you.

This is the most important and most misunderstood right you have. The Fifth Amendment to the U.S. Constitution says you cannot be forced to be a witness against yourself. In plain terms: you do not have to answer questions that might help the government build a case against you, and choosing not to answer is **not** evidence of guilt.

Police are trained to ask questions in a friendly, casual way — “Do you know why I stopped you?” or “Where are you coming from tonight?” These feel like small talk. They are not. Almost anything you say can be written into a report and used later, and people very often talk themselves into trouble while trying to talk themselves out of it.

What you actually have to do

In California you generally must give your name to an officer if you are lawfully detained, and during a traffic stop you must provide your license, registration, and proof of insurance. Beyond that, you usually do not have to explain where you have been, what you are doing, or whether you “know why” you were stopped.

WHAT TO SAY

“Officer, I'm going to stay quiet, and I'd like to speak with a lawyer.”

Say it calmly, say it out loud, and then actually stay quiet. You do not need to explain why.

IMPORTANT

Staying silent only works if you clearly invoke it and then stop talking. Answering “just a few” questions and then going quiet can actually be used against you. Make your choice, state it once, and hold the line.

Why silence protects you even when you're innocent

People assume that explaining themselves will clear things up. In reality, even truthful, innocent statements can be misremembered, taken out of context, or contradicted by other evidence — and then the inconsistency itself becomes the problem. You cannot predict what the officer already believes or what they are investigating. Silence removes that risk entirely.

It also buys you the one thing that is always on your side: time. Nothing about staying quiet is permanent. You can always decide to give a statement later, with a lawyer beside you, once you understand the situation. You can never un-say something you blurt out on the side of the road.

“

Anything you say can be used against you. Almost nothing you stay silent about can be.

Saying it the right way

Courts have made clear that simply going quiet is not always enough — you should affirmatively state that you are choosing to remain silent. You do not have to be aggressive or rude. A calm, respectful sentence is all it takes, and politeness keeps the encounter from escalating.

- Speak clearly and out loud so there is no confusion.
- Do not argue, lecture, or explain your legal theory — just invoke the right.
- Once you've said it, stop. Resist the urge to fill the silence.
- If questions continue, you can simply repeat: “I'd like to speak with a lawyer.”

RIGHT NUMBER TWO

The Right to an Attorney

You have the right to speak to an attorney — in private — and to have one present before you answer questions.

The Sixth Amendment guarantees you the right to a lawyer, and the Supreme Court's Miranda decision requires officers to tell you so before a custodial interrogation. If you cannot afford an attorney, one must be appointed for you at no cost. This right exists precisely because the system is complicated and the stakes are high — you are not expected to face it alone.

A lawyer is not a sign of guilt

Many people worry that asking for a lawyer makes them “look guilty.” It does not, and it cannot be used against you. Asking for an attorney is exactly what the Constitution invites you to do. The most completely innocent person in the world should still want a trained advocate before answering questions from someone whose job is to build a case.

THE MAGIC WORDS

“I am invoking my right to a lawyer. I won't answer questions until my attorney is here.”

Be clear and unambiguous. Hesitant phrasing like “Maybe I should get a lawyer?” may not count.

What happens after you ask

Once you clearly request a lawyer, officers are supposed to stop questioning you until your attorney is present. If they keep asking, you can keep your right intact simply by repeating your request and staying silent. Do not let anyone convince you that “this will go easier if you just talk first.”

“In private” means in private

Your conversations with your attorney are confidential. Under California law, an attorney is entitled to visit you after an arrest, and an officer who deliberately blocks that visit can face penalties. When you speak with your lawyer, do so where you cannot be overheard — and assume that phone calls from a jail may be recorded. Save the details of your case for a private, in-person conversation with your attorney.

A WORD OF CAUTION ABOUT JAIL CALLS

Calls made from jail (other than properly handled attorney calls) are often recorded and can be used as evidence. Tell your loved ones you're safe and that you've asked for a lawyer — but never discuss the facts of what happened over a recorded line.

Why timing matters so much

The hours right after an arrest are when the most damage is done — and when a good lawyer can do the most good. An attorney can make sure your rights are respected, stop improper questioning, begin preserving evidence in your favor, and start working on release. The sooner you have one, the more of your case can still be protected.

- You can ask for a lawyer at any point — even after you've started answering.
- If you can't afford one, say so; a public defender or appointed counsel will be provided.
- Have a name and number ready in advance so you're not scrambling under stress.

RIGHT NUMBER THREE

Detained vs. Arrested

You have the right to be told whether you are being detained or arrested — and the difference changes everything about what comes next.

These two words sound similar but mean very different things. Knowing which one applies tells you how much freedom you have to leave and what the officer is allowed to do. When you are unsure, there is one calm, powerful question that cuts straight to the answer.

THE QUESTION THAT CLARIFIES EVERYTHING

“Officer, am I being detained, or am I free to go?”

If you're free to go, you may calmly leave. If you're being detained, stay, stay quiet, and ask for a lawyer.

A consensual encounter

Sometimes an officer is simply talking to you, and you are free to walk away at any time. You are not required to answer questions, and you are not required to stay. If you're not sure whether this is the situation, the question above will tell you.

A detention

If an officer has a specific, reasonable suspicion that you're involved in a crime, they may briefly detain you to investigate. You are not free to leave, but you are also not under arrest. You still have the right to remain silent and to decline searches. A detention is meant to be brief.

An arrest

An arrest requires **probable cause** — a higher standard. You are now in custody and not free to leave. This is the moment to say the two sentences you've already learned: that you're remaining silent, and that you want a lawyer.

You have the right to be told you're under arrest

If you are being arrested, you are entitled to know it. Understanding that you've crossed from a detention into an arrest tells you that the full weight of your rights — silence, counsel, and everything that follows in this guide — is now firmly in play. If the situation is unclear, keep it simple: ask whether you're free to go, and if the answer is no, treat it as serious and protect yourself.

SITUATION	CAN YOU LEAVE?	WHAT TO DO
Consensual	Yes	Politely leave or decline to talk.
Detention	No (briefly)	Stay calm, stay silent, decline searches.
Arrest	No	Invoke silence and ask for a lawyer.

KEEP YOUR HANDS AND YOUR TONE CALM

Even if you believe a stop or arrest is wrong, the side of the road is not the place to win that argument — your lawyer and a judge are. Keep your hands visible, don't resist physically, and save every objection for the courtroom, where it can actually help you.

RIGHT NUMBER FOUR

Searches & Seizures

You have the right to be free from unreasonable searches and seizures of your body, your car, your phone, and your home.

The Fourth Amendment is one of your strongest shields. As a general rule, the government needs a warrant, your consent, or a recognized exception before it can search your private spaces. The key word officers listen for is **consent** — because if you give it, you waive the protection. You never have to give it.

SAY THIS – AND ONLY THIS

“Officer, I do not consent to any searches.”

Saying it does not make you look guilty. It preserves your rights if the search later turns out to be improper.

Your car

A traffic stop does not automatically allow a full search of your vehicle. You must hand over your license, registration, and insurance, but you do not have to consent to a search of the trunk, the glovebox, or your bags. If an officer asks “Mind if I take a look?” you can respectfully decline.

Your phone

Your cell phone holds your entire life, and the law treats it that way: police generally need a warrant to search its contents. You are not required to unlock it or hand over your passcode just because you've been asked.

Your home

Your home receives the highest protection of all. If officers come to your door without a warrant, you can speak to them through the door and are not required to let them in. Ask them to slip a warrant under the door or hold it to a window so you can read it.

Why “I don't consent” matters even if they search anyway

Sometimes an officer will search despite your objection. Saying “I do not consent” out loud still matters enormously. If the search turns out to be unlawful, your clear objection can become the foundation for a motion to suppress — a request asking the court to throw out evidence that was gathered improperly. Evidence that is suppressed often cannot be used against you at all. Your words on the scene can decide that fight months later.

“

You don't win a search dispute on the sidewalk. You preserve it there — and win it in court.

The important things to remember

- Declining a search is your right and is never, by itself, evidence of a crime.
- Do not physically interfere — state your objection in words and let it stand.
- You can ask to see a warrant and read what it actually covers.
- A limited safety frisk for weapons during a detention is treated differently from a full search — you can still say you don't consent to anything beyond it.

REMEMBER

Consent, once given, is hard to take back. If you're ever unsure, the safe answer is always the same: politely decline and ask to speak with a lawyer.

RIGHT NUMBER FIVE

Knowing the Charges Against You

You have the right to be told what you are accused of. You cannot be held in the dark.

If you're arrested, you are entitled to be informed of the charges against you. This is a cornerstone of due process: the government cannot accuse you of something secret. Knowing the charge is also the first step in building a defense, because it tells you and your attorney exactly what the state must prove.

What this looks like in practice

You will be formally told the charges at your arraignment — your first court appearance — where the accusations are read and you enter a plea. Before that, you can ask officers what you're being arrested for. You don't have to discuss the allegation or respond to it; simply knowing it helps you and your lawyer prepare.

KNOWING ISN'T ARGUING

Learning the charge is useful. Debating it on the scene is not. Note what you're told, keep it to yourself, and bring it straight to your attorney. The place to challenge a charge is in court, with counsel — not in the back of a patrol car.

Presumed innocent

A charge is an accusation, not a verdict. You are presumed innocent, and the burden is entirely on the prosecution to prove its case beyond a reasonable doubt. You never have to prove your innocence — a principle worth holding onto from the very first moment.

RIGHT NUMBER SIX

The Right to Reasonable Bail

You have the right to reasonable bail — unless you are charged with a capital offense.

The Eighth Amendment protects you from excessive bail. Bail is the amount set to ensure you return to court; it is not meant to be a punishment before you've been convicted of anything. For most charges, you are entitled to have bail set at a reasonable amount, and in some cases you may be released on your own recognizance — a written promise to appear — without paying at all.

How bail is decided

A judge weighs factors such as the seriousness of the charge, your ties to the community, your work and family, and whether you're considered a flight risk or a danger to others. A capital offense — the most serious category — is the main situation where bail may be denied.

WHERE A LAWYER EARNS THEIR KEEP

An experienced attorney can argue for a lower bail, for release on your own recognizance, or for alternatives to custody — presenting your job, your family, and your community roots to the judge. This is one of the most valuable things a lawyer does in the first hours of a case, and a reason to get one quickly.

California's bail rules have shifted in recent years, and practices can vary by county and over time. Your attorney will know the current procedures in your court and can fight for the best possible outcome.

RIGHT NUMBER SEVEN

Seeing a Judge Within 48 Hours

You have the right to be brought before a judge within 48 hours of your arrest, or within a reasonable time.

You cannot simply be locked up and forgotten. Under California Penal Code section 825, a person who has been arrested must be taken before a judge without unnecessary delay, and generally within 48 hours of the arrest, not counting Sundays and holidays. This first appearance is your arraignment, where the charges are read and bail is addressed.

Why this protection exists

This rule guards against being held indefinitely without a court ever reviewing your case. It forces the system to act promptly and gives a neutral judge an early look at whether you should be held at all. The exact timing can shift slightly around weekends and court holidays, but the principle is firm: you are entitled to your day before a judge, soon.

THE SAME LAW PROTECTS YOUR LAWYER VISITS

Penal Code section 825 also secures an attorney's right to visit you after your arrest — and an officer who willfully blocks that visit can face penalties. The right to counsel and the right to a prompt hearing work hand in hand.

If you feel you're being held without being brought before a judge, this is exactly the kind of thing to raise with your attorney immediately. They can take action to enforce the timeline on your behalf.

RIGHT NUMBER EIGHT

The Right to a Phone Call

You have the right to call a person of your choice and tell them you've been arrested.

After an arrest, you are entitled to make phone calls within a reasonable time — to a loved one, to a bail bond agent, and to an attorney. This isn't a courtesy; it's a protection that keeps you connected to the people who can help you, so that an arrest doesn't mean disappearing.

Make your calls count

You may only get a limited number of calls, so use them strategically. The two most valuable calls are usually to an attorney and to a trusted person who can help arrange a lawyer and, if needed, bail.

- **Call a lawyer first if you can.** Getting counsel involved early protects everything else.
- **Call someone reliable.** Pick the person most likely to take action calmly, not the one most likely to panic.
- **Keep it brief and factual.** “I've been arrested, I'm at [location], please call a lawyer.” Nothing more.

ASSUME YOU'RE BEING RECORDED

Calls from jail — other than proper attorney calls — are commonly recorded and can be used as evidence. Never discuss the facts of your case, never admit or deny anything, and never vent about what happened. Share logistics only, and save the details for your lawyer in person.

RIGHT NUMBER NINE

Being Treated Humanely

You have the right to be treated like a human being, regardless of the charges against you.

An accusation does not strip you of your dignity. The Constitution forbids cruel and unusual punishment and excessive force, and these protections apply to everyone — the guilty and the innocent alike, before any verdict is ever reached. You are entitled to basic safety, necessary medical care, and humane conditions while you are in custody.

What this means for you

You should not be subjected to excessive force, abuse, or deliberately harmful conditions. If you are injured or unwell, you are entitled to request medical attention. If your basic needs are being ignored or you are being mistreated, this matters — and it should be documented.

WRITE IT DOWN AS SOON AS YOU CAN

If you experience mistreatment or excessive force, try to remember the details — names, badge numbers, times, witnesses, injuries — and tell your attorney as soon as possible. A careful record made early can make all the difference later.

Dignity is not negotiable

It can be easy, in a frightening moment, to feel that you've lost all your rights. You haven't. The protections in this guide stay with you from the first contact through every step that follows. Knowing that — and carrying yourself calmly because of it — is its own kind of strength.

PUTTING IT TOGETHER

Real-World Scenarios

Rights are easy to remember in a quiet room and hard to remember under flashing lights. Here's how the pieces fit together when it actually counts.

You're pulled over in a traffic stop

Pull over safely, turn on your interior light at night, and keep your hands visible on the wheel. Provide your license, registration, and insurance — that part is required. When the casual questions start (“Where are you headed?”), you can politely keep your answers minimal. If asked to consent to a search, you may say: “I do not consent to any searches.” If you're unsure whether you can leave, ask: “Am I free to go?”

Police come to your door

You do not have to open the door without a warrant. You can speak through the door and ask them to show the warrant at a window or slip it under the door. If they don't have one, you can politely decline entry and say you'd like to speak with a lawyer. Stay calm and don't argue the law on your porch.

You're asked to “come down to the station to talk”

You can decline a voluntary interview, and you almost always should until you've spoken with an attorney. If you're not under arrest, you're not required to go. If you are taken into custody, this is the moment for the two sentences you know by heart: you're staying silent, and you want a lawyer.

If you are placed under arrest

This is the scenario every other page has prepared you for. If it happens, follow these steps in order — calmly, and without exception.

Six Steps the Moment You're Arrested

CALM • QUIET • LAWFUL

1. **Don't resist.** Keep your hands visible. Whatever the reason, physically fighting only adds charges and risk.
2. **Invoke your silence, out loud.** "I'm going to remain silent." Then stop talking.
3. **Ask for a lawyer, clearly.** "I want to speak with an attorney." Repeat it if questioning continues.
4. **Don't consent to searches.** "I do not consent to any searches." Say it even if they search anyway.
5. **Use your call wisely.** Contact a lawyer and one reliable person. Logistics only — no case details.
6. **Remember the line is recorded.** Assume every jail call (except proper attorney calls) is evidence.

“

Calm is a strategy. The person who stays composed and quiet gives the system the least to work with — and gives their lawyer the most.

LEARN FROM OTHERS

The Seven Mistakes That Hurt People Most

Most of the damage in a criminal case is self-inflicted in the first hour — and almost always avoidable. Here's what to watch for.

1. Trying to talk their way out of it

The instinct to explain is powerful and almost always backfires. You cannot be talked into freedom by an officer building a case — but you can absolutely talk yourself into trouble.

2. Answering “just a few” questions

Half-using your right to silence can be worse than not using it. Invoke it fully, then hold the line.

3. Consenting to a search to “seem cooperative”

Cooperation does not require consent. You can be perfectly polite while still declining a search.

4. Believing “it'll go easier if you talk now”

This is a common line, and it is almost never true for you. Decisions about your case should be made with a lawyer, not under pressure.

5. Discussing the case on a recorded jail line

Those calls become evidence. Keep them to logistics and love — never facts.

6. Resisting or arguing on the scene

The roadside is the worst place to fight a bad stop. Comply physically; win the argument in court.

7. Waiting too long to call a lawyer

The earlier counsel is involved, the more of your case can still be protected. Hours matter.

TEAR THIS OUT & KEEP IT

Your Quick-Reference Rights Card

Keep this page somewhere you'll find it — your glovebox, your wallet, your phone case. In a stressful moment, this is everything you need at a glance.

Know Your Rights

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1. You have the right to **remain silent** — use it. Your silence can't be held against you.
2. You have the right to **speak to an attorney in private**.
3. You have the right to **ask “Am I being detained, or am I free to go?”**
4. You have the right to **refuse searches** — “I do not consent to any searches.”
5. You have the right to **be told the charges** against you.
6. You have the right to **reasonable bail**, unless charged with a capital offense.
7. You have the right to **see a judge within 48 hours** of arrest, or a reasonable time.
8. You have the right to **a phone call** to tell someone you've been arrested.
9. You have the right to be **treated like a human being**, whatever the charges.

THE THREE SENTENCES TO MEMORIZE

“Am I being detained, or am I free to go?”

“I'm going to remain silent and speak with a lawyer.”

“I do not consent to any searches.”

YOU ASKED, WE ANSWERED

Frequently Asked Questions

Won't I look guilty if I stay silent or ask for a lawyer?

No. These are constitutional rights, and using them cannot legally be treated as evidence of guilt. Innocent people benefit from them just as much as anyone else.

Do I have to give my name?

If you're lawfully detained in California, you generally must identify yourself, and in a traffic stop you must provide license, registration, and insurance. Beyond identifying yourself, you usually don't have to answer questions.

Can I be arrested for refusing a search?

Declining to consent is your right and is not, by itself, a crime. Officers may still search if they have independent legal grounds, but your refusal preserves your ability to challenge an improper search later.

What if the police don't read me my rights?

Miranda warnings are required before custodial interrogation. If they're skipped, it doesn't automatically dismiss your case, but statements taken improperly may be challenged and potentially excluded. This is a question for your attorney.

Should I talk if I'm completely innocent?

Even then, the safest path is to stay silent and speak with a lawyer first. Innocent people can and do say things that are later misunderstood or used against them. A lawyer helps you tell your story the right way, at the right time.

What's the very first thing I should do if arrested?

Stay calm, don't resist, say you're remaining silent, and ask for a lawyer. Then call us.

WORDS FROM CLIENTS

What Our Clients Say

A selection from 80+ five-star Google reviews of the Law Office of Rebecka A. Monez.

★★★★★

“As soon as she took my case, she identified issues I wasn't aware of and made me feel at ease throughout the entire process. Having her on your side in the courtroom is a reassuring feeling. Today, we achieved a CASE DISMISSED! I would wholeheartedly recommend Rebecka Monez!”

JOSHUA JACKSON • GOOGLE, 2025

★★★★★

“Rebecka Monez is the BEST Criminal Defense Attorney in Stanislaus County hands down. She is honest and fierce, a true force to be reckoned with in the courtroom. Rebecka resolved my case completely to my satisfaction, and I am so glad I chose her.”

GREG S. • GOOGLE, 2024

★★★★★

“With her you're not just a dollar sign, she sees the person, the human being and our vulnerability when we face the system. I would trust no other attorney in the Modesto area for complicated cases that could put a life at risk.”

EDUARDO GIL • GOOGLE, 2024

★★★★★

“Rebecka is an incredible attorney. She is very personable and relentless — she was able to get me an ideal outcome with my case. I knew she had my best interest the first few minutes of meeting her. Her staff is top notch too!”

SCOTT DODSON • GOOGLE, 2024



Rebecka A. Monez

FOUNDING ATTORNEY • 2025 LITIGATOR OF THE YEAR

Rebecka A. Monez is a Modesto-based criminal defense attorney licensed in all California and Federal courts. She built her practice on a simple belief: that everyone deserves a fierce, prepared advocate — and that knowing your rights is the first step to protecting them.



“Honest and fierce — a true force to be reckoned with in the courtroom.”

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If you've been arrested, don't wait. Call now.

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