

Top 5 Mistakes to Avoid After an Arrest in Arizona

Phoenix criminal defense lawyers at The Valley Law Group share practical guidance on protecting your rights and your future.

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EINPresswire.com/ -- Arizona defendants often make critical mistakes in the first hours and days after an arrest, choices that can jeopardize their rights, complicate their defense, and increase long-term consequences. The Valley Law Group, with offices in Phoenix, Gilbert, Scottsdale, and Peoria, today released practical guidance highlighting the five most common post-arrest missteps in Arizona and what to do instead.



Arizona criminal defense lawyers at The Valley Law Group outline the top mistakes defendants should avoid after an arrest.

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Early choices define outcomes. Experienced Arizona criminal defense attorneys protect rights, reduce risk, and help turn a charge into a manageable outcome.”

Jon McCarty

“Those first decisions, what you say, what you sign, and who you call, can change the entire trajectory of a case,” said Jon McCarty, [Criminal Defense Attorney](#) at The Valley Law Group. “A calm, informed approach preserves options. A rushed, emotional one can close doors you will wish were open later.”

WHY ARIZONA IS UNIQUE (AND WHY GENERIC TIPS FALL SHORT)

Laws and procedures that apply in other states don't always match Arizona practice. For example, Arizona's

implied-consent rules allow the Motor Vehicle Division (MVD) to impose an administrative driver's license suspension that is separate from the criminal case if a driver refuses a lawful chemical test after a DUI arrest (commonly 12 months for a first refusal and longer for a subsequent refusal). That MVD action can begin even if criminal charges are later reduced or dismissed, making early decisions particularly consequential.

Arizona also now provides broader, modernized options to seal certain criminal records after a case is over, under A.R.S. § 13-911 (availability depends on the offense type and outcome), and the courts continue to process Proposition 207 petitions to expunge qualifying marijuana offenses under A.R.S. § 36-2862. Knowing these tools exist helps defendants and their families make informed choices today that can preserve relief tomorrow.

THE FIVE MOST COMMON POST-ARREST MISTAKES IN ARIZONA

1) Talking Yourself Into Trouble: Volunteering Statements Without Counsel

* The mistake: Trying to “explain what happened,” answering “just a few questions,” or giving written statements without first consulting an attorney.

* Why it’s harmful: Anything said can be used in court, and people under stress often guess, minimize, or over-explain. Even small inconsistencies, caused by adrenaline or confusion, can be characterized as dishonesty.

What to do instead:

- Politely invoke your rights: “I am asserting my right to remain silent. I want a lawyer.”
- Provide only true baseline identifiers (name, date of birth) as required.
- Decline consensual interviews and written statements until counsel advises otherwise.

< Pro tip: Silence cannot be used as evidence of guilt; ill-considered statements can.

Jon McCarty

Criminal Defense Attorney

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Jon McCarty, a Phoenix criminal defense attorney at The Valley Law Group, explains why early decisions after an arrest can determine the outcome of a case.

The Five Most Common Post-Arrest Mistakes in Arizona

01. Talking Yourself Into Trouble: Volunteering Statements Without Counsel
02. Making the Wrong Call on Chemical Testing in DUI Stops
03. Posting, Texting, or DM'ing About the Case (or Deleting It After)
04. Missing Early Deadlines, Hearings, or Pretrial Requirements
05. “Fixing” It Alone: Pleading Quickly or Hiring on Price Alone



The Valley Law Group shares expert legal guidance on the five most common post-arrest mistakes defendants make in Arizona.



The Valley Law Group’s Phoenix criminal defense law office, where clients are welcomed into a professional and supportive environment.

2) Making the Wrong Call on Chemical Testing in DUI Stops

*The mistake: Refusing a lawful breath/blood/urine test (or consenting too casually), unaware that Arizona's administrative (MVD) suspension runs on a separate track from the criminal case.

*Why it's harmful: A refusal can trigger a lengthy MVD suspension and ignition-interlock consequences; a test may produce evidence the state uses.

The "right" call depends on the facts that your lawyer can help you quickly weigh.

What to do instead:

- Ask to speak with a lawyer immediately before making a decision.
- If testing occurs, document the timing, conditions, and any medical issues that arise.
- If you refused, contact counsel promptly to preserve hearing rights and contest the MVD action where appropriate.

3) Posting, Texting, or DM'ing About the Case (or Deleting It After)

*The mistake: Sharing details on social platforms, texting friends, or trying to "clean up" posts and messages after the fact.

*Why it's harmful: Posts and private messages are commonly obtained; "cleanup" can look like consciousness of guilt or even spoliation/obstruction. Photos, location tags, and metadata create timelines that prosecutors can mine.

What to do instead:

- Go dark on case-related topics.
- Lock down privacy settings (without deleting evidence).
- Let counsel handle any preservation issues; do not destroy potential evidence.

4) Missing Early Deadlines, Hearings, or Pretrial Requirements

*The mistake: Treating arraignment, release conditions, protective orders, pretrial conferences, or diversion-program steps as "minor paperwork."

*Why it's harmful: Arizona courts take compliance seriously. Missed appearances or violations of

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The Valley Law Group's award-winning Arizona criminal defense team, serving clients in Phoenix, Gilbert, Scottsdale, and Peoria.

release conditions can lead to bench warrants, bond revocations, or a harsher negotiation posture from the state.

What to do instead:

- Calendar all dates the day you receive them; set reminders.
- Clarify all release terms (no contact, alcohol monitoring, travel limits).
- If you have a conflict or an emergency, contact your attorney immediately to address it before the deadline.

5) "FIXING" It Alone: Pleading Quickly or Hiring on Price Alone

*The mistake: Entering an early plea to "get it over with," or choosing representation solely by the lowest retainer.

*Why it's harmful: Early pleas can foreclose suppression motions, expert review, or negotiation leverage. In complex matters (DUI with implied-consent issues, domestic violence with protective orders, juvenile overlaps, etc.), nuanced strategy matters.

What to do instead:

- Use arraignment to preserve rights, not to wrap the case up.
- Hire experienced Arizona counsel who will actually review discovery, file viable motions, and pursue better outcomes — reduction, diversion, dismissal, or trial.

FIRST 24-72 HOURS: ARIZONA-FOCUSED CHECKLIST

1. Retain counsel promptly. A local criminal defense lawyer can advise on testing decisions, MVD hearing requests, release conditions, and protective orders.
2. Do not discuss facts with anyone but your lawyer; no social posts, DMs, or "explanations."
3. Collect documents: the citation/complaint, release order, property receipts, protective orders, tow/impound details, and any body-cam reference numbers.
4. Preserve evidence: save call logs, texts, ride receipts, surveillance leads; photograph injuries or scene details while they're fresh.
5. Track deadlines: arraignment date, MVD hearing request windows (for DUI), protective-order hearing options, and discovery compliance.
6. Plan for the long game: ask counsel about eligibility for diversion, reduction, or post-resolution record sealing under A.R.S. § 13-911 or Prop 207 expungement for qualifying marijuana

offenses.

ARIZONA-SPECIFIC DEVELOPMENTS DEFENDANTS SHOULD KNOW

— Administrative vs. Criminal Tracks: Arizona's MVD can impose driver's license consequences (such as implied-consent suspensions) independent of the criminal DUI case. Defendants often, and mistakenly, assume "case dismissed" means no license action. It doesn't.

— Modern Record Relief: Since 2023, many Arizonans may petition to seal certain criminal case records under A.R.S. § 13-911 after the case is complete, improving employment and housing prospects. Eligibility and timing vary, and violent offenses are typically excluded.

— Marijuana Expungements: Courts continue to process Prop 207 petitions to expunge qualifying marijuana possession/transportation/paraphernalia records. If your case involved marijuana, consult counsel about relief under A.R.S. § 36-2862.

"Relief exists for many people, but it's not automatic," McCarty added. "Good outcomes usually start with good choices early: invoking rights, meeting deadlines, and getting an Arizona-savvy lawyer involved."

A PRACTICAL EXAMPLE: "PROSECUTOR VS. DEFENSE LENS"

Same facts, different files.

□ What builds the state's file: on-camera statements, consent searches, social posts, missed appearances, and any order violations.

□ What builds a defense file: timely assertion of rights, clean compliance with release terms, preserved timelines (who/what/when), and on-time administrative requests (e.g., MVD).

Outcome differences often stem from the first 2–3 days, not just what happened on the street.

HOW THE VALLEY LAW GROUP HELPS

The Valley Law Group's [criminal defense team](#) guides clients through every stage of the Arizona process, from the first phone call through arraignment, pretrial litigation, negotiations, trial, and post-disposition relief. Typical support includes:

— Rapid Rights Protection: Immediate advice on interviews, testing, searches, and release conditions.

— Evidence & Motions: Demanding discovery, filing suppression and disclosure motions, and coordinating expert analysis where appropriate.

— License & Collateral Issues: Contesting MVD actions, navigating protective orders, and addressing employment or professional-license concerns.

— Resolution Strategy: Pursuing dismissals, reductions, diversion, or trial - based on facts and client goals.

— Future-Focused Relief: Evaluating eligibility and preparing petitions for record sealing or Prop 207 expungements when available.

“Our job is to reduce risk, protect futures, and make the process understandable,” McCarty added. “That starts with helping clients avoid harmful pitfalls.”

WHAT HELPS, WHAT HURTS: MYTH VS. REALITY

Myth #1: “If I just explain everything, they’ll let me go.”

- Reality: Early statements are high-risk and hard to undo. Use your right to remain silent and request counsel.

* Arizona note: Miranda applies before custodial interrogation. If you’re not free to leave and officers start questioning, ask clearly for an attorney and stop talking.

Myth #2: “If I cooperate, I should consent to any search.”

- Reality: You can politely refuse consent. If officers search anyway under an exception, your refusal preserves challenges later.

* Arizona note: Consent must be voluntary and not coerced. Say, “I do not consent to a search,” and avoid granting access to phones or passcodes without legal advice.

Myth #3: “Field sobriety tests are mandatory.”

- Reality: Roadside coordination tests are typically voluntary; chemical testing is a different story.

* Arizona note (DUI): Under implied consent (A.R.S. § 28-1321), refusing a breath/blood/urine test after arrest can trigger an automatic license suspension, separate from the criminal case.

Myth #4: “If they didn’t read my rights, my case is thrown out.”

- Reality: Lack of Miranda warnings can suppress statements, but it rarely dismisses the entire case. Other evidence may still come in.

* Arizona note: Officers sometimes gather evidence before arrest or custody begins. The Miranda clock usually starts once you’re in custody and being interrogated.

Myth #5: “Posting about it is harmless, I’m just telling my side.”

- Reality: Social posts, texts, and DMs are discoverable and often used to impeach timelines or intent.

* Arizona note: Prosecutors routinely pull metadata. Go dark, lock down privacy, and don't delete anything without legal guidance.

Myth #6: "Protective orders are just paperwork; ignore them and explain later."

- Reality: Violating a protective order can create new charges and complicate your defense strategy.

* Arizona note: Orders of Protection / Injunctions Against Harassment (A.R.S. § 13-3602) are enforceable immediately once served. Follow the order and let counsel handle hearings or modifications.

Myth #7: "I have time to figure things out before court."

- Reality: Deadlines start fast — missing them hurts bail, evidence preservation, and defenses.

* Arizona note: The initial appearance is usually within 24 hours of arrest; release conditions and no-contact terms may be set at this time. Early attorney involvement can impact release and case posture.

Myth #8: "I'll wait to see what happens before hiring a lawyer."

- Reality: Waiting shrinks your options. Early counsel can influence release terms, preserve evidence, and even shape charging decisions, while building a tailored defense that moves quickly and fits your situation.

* Arizona note: Rights and deadlines start immediately (e.g., initial appearance within ~24 hours). Contacting a defense attorney right away helps protect your position.

Myth #9: "The first plea offer is always the best I'll get."

- Reality: Offers change as evidence develops. Defense investigation, motions, and mitigation can improve terms.

* Arizona note: Local practice varies by county. Timely mitigation (treatment, classes, restitution planning) can influence outcomes in Maricopa and beyond.

Myth #10: "Misdemeanors don't matter; records just disappear."

- Reality: Even low-level cases can affect jobs, licensing, and immigration; outcomes are durable.

* Arizona note: Arizona allows set-asides (and limited expungement for certain marijuana offenses), not broad record sealing. Strategy up front is critical.

Myth #11: "Calling the other party to 'work it out' helps."

- Reality: Contact can violate release conditions or orders and generate new evidence.

* Arizona note: No-contact terms are common at the initial appearance; violations risk remand and new charges.

Myth #12: "I can't afford a lawyer right now; I'll just sign whatever."

- Reality: Signing forms or stipulations without counsel can waive defenses and lock in facts.

* Arizona note: Key decisions happen at intake and the initial appearance—speak with Arizona

defense counsel before signing or stipulating to anything.

ABOUT THE VALLEY LAW GROUP

The Valley Law Group is a [Phoenix criminal defense law firm](#) with offices in Gilbert, Scottsdale, and Peoria, representing clients statewide in criminal defense, family law, and personal injury matters. Known for combining courtroom experience with practical counseling, the firm emphasizes clear communication and evidence-driven strategy to protect clients' rights and futures. Learn more at TheValleyLawGroup.com.

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