A PRACTICAL TENNESSEE GUIDE

What to Do If Arrested in Tennessee

Protect your rights.
Understand the process.
Prepare for what comes next.

A clear guide for you and your family, from the first encounter with police through court and record-clearing questions.

An arrest is not a conviction.
Start with the emergency checklist on page 2.

Law Offices of Thomas Maynard

Criminal Defense | Lebanon, Tennessee

615-784-4677

maynardlawtn.com

111 N Greenwood St, Suite B, Lebanon, TN 37087

KEEP THIS CHECKLIST HANDY

Just arrested? Start here.

> **Say clearly:** "I am exercising my right to remain silent. I want a lawyer."
> Then stop discussing the incident. Provide required identifying information and communicate urgent medical needs.

• **Stay calm and do not physically resist.** Follow lawful safety instructions, even if you believe the stop or arrest is wrong.

• **Keep case details private.** Assume jail calls, video visits, messages, and conversations with other detainees can be recorded or repeated. Ask how to arrange confidential attorney contact.

• **Tell staff about urgent health needs.** Report injuries, medication needs, withdrawal risk, or immediate safety concerns. Do not assume medical intake is privileged.

• **Keep and copy every document.** Save warrants, citations, bond papers, release conditions, court notices, and license notices. Photograph or scan each page.

• **Know your next date and every release condition.** Record the court, address, date, and time. Arrange transportation and comply with no-contact restrictions.

• **Contact a defense lawyer promptly.** Get advice before questioning, waiving a hearing, or entering a plea. Ask the court about appointed counsel if you cannot afford a lawyer.

If you are helping someone in jail

Gather their full name, date of birth, jail location, booking number, charges, and any bond information. Share logistics on recorded calls; save the facts of the case for counsel.

> **Call for a free consultation.**
> **615-784-4677** | maynardlawtn.com
> Law Offices of Thomas Maynard | Criminal Defense | Lebanon, Tennessee
> 111 N Greenwood St, Suite B, Lebanon, TN 37087

General information for adults in Tennessee state cases. Not legal advice; no attorney-client relationship or guaranteed result. DUI testing involves separate rules and potential consequences; this checklist is not an instruction to refuse testing.

READ THIS FIRST

How to use this guide

If an arrest just happened, start on page 2. Families helping from outside the jail should also read page 5. Use the worksheet on page 12 to keep dates and documents together.

Emergency checklist / 2

The stop and the arrest / 4

Booking and helping from outside / 5

Bail, bond, and release conditions / 6

Your first court dates / 7

Hiring counsel and preserving evidence / 8

Common myths / 9

DUI and your driver's license / 10

After the case: expungement / 11

Your court-date worksheet and next steps / 12

Scope and important limits

This guide provides general information for adults facing possible arrest or charges in Tennessee state courts. It does not cover federal cases or juvenile proceedings in detail. Local practice, the facts, and the law in effect on the relevant date can change the answer.

Reading this guide or contacting the office does not by itself establish an attorney-client relationship. No dismissal, release, plea outcome, trial result, or expungement is promised. Get advice about your own case before making decisions or missing a deadline.

The stop and the arrest

During a traffic stop

• Pull over safely. Keep your hands visible and explain before reaching for documents. Provide your license, registration, and insurance when required.

• Comply with lawful directions, including an order to step out of the vehicle. Do not argue or physically resist.

• You may ask, "Am I free to leave?" If the answer is no, do not leave. Avoid discussing the alleged incident; clearly state that you wish to remain silent.

A request to search is different from an order

If an officer asks for permission to search, you can calmly say, "I do not consent to a search." Officers may have another legal basis to search. Your refusal does not physically stop a search, and you should not interfere. Tell your lawyer exactly what happened.

If you are taken into custody

An arrest generally requires probable cause, a lower standard than proof beyond a reasonable doubt at trial. You may be handcuffed, searched, and transported for booking. Do not try to explain away the allegation during transport or at the jail.

> **Use clear words:** "I am exercising my right to remain silent. I want a lawyer."
> Do not restart a discussion of the case or answer "just one more question."

Miranda warnings generally concern custodial interrogation. Police do not have to give them at every arrest, and missing warnings do not automatically dismiss charges. Tell counsel about every question, warning, and statement.

Do not lie or give false documents. Provide required identifying information. The right to remain silent about an incident is separate from duties concerning identification, safety instructions, or DUI testing.

Booking and family support

Booking commonly includes identification, photographs, fingerprints, a property inventory, and health screening. Timing varies; this guide does not promise release within 24 hours.

At the jail

• **Medical needs:** promptly report injuries, essential medication, withdrawal risk, or immediate danger. Be accurate. Medical screening is not a promise that statements cannot be used later.

• **Property:** ask for an inventory or receipt and follow the jail's process for recovering your belongings.

• **Communication:** request contact with a lawyer and ask about the procedure for confidential attorney calls. Assume ordinary calls and video visits are recorded.

• **Judicial review:** an initial appearance generally follows without unnecessary delay. Counsel can address unexplained delays, the charges, and release issues.

Family-member checklist

• Confirm the jail through its official contact information. Gather the person's full name, date of birth, and booking number.

• Ask for the listed charges, bond amount and type, any holds, and the next scheduled appearance. A posted bond may not resolve another hold.

• Contact counsel and pass along urgent medical concerns through the jail's stated process.

• Before paying a bondsman, get written fees, refund terms, collateral requirements, and co-signer obligations. Keep receipts.

• Arrange a safe ride and a place to stay that complies with release conditions.

> **Keep calls practical:** where the person is, who to contact, and what documents are needed. Save the account of the incident for confidential discussion with counsel.

Bail, bond, and conditions

Bail and bond concern release while a case is pending. Payment does not resolve the charge. The court applies the governing law to the charge, history, safety concerns, and appearance risk; special restrictions may apply.

Common forms of release

- **Recognizance or unsecured bond:** a promise to appear, sometimes with a financial obligation if conditions are violated, without an upfront cash deposit.
- **Cash bond:** money deposited under the court's terms. Refunds depend on compliance, the final order, and any authorized deductions. Confirm who receives a refund.
- **Surety bond:** a bonding company undertakes the bond for a fee. The fee is generally not refundable. Collateral and co-signer obligations can create additional exposure.

When bond is a problem

Ask counsel about review of the amount, conditions, and available release options. Tennessee's current bail framework distinguishes financial condition from ability to pay; this guide does not promise a reduction because someone cannot afford bond. [1]

Read every condition before leaving

Conditions may address contact with another person, travel, testing, monitoring, firearms, or reporting. Ask your lawyer about anything unclear. Do not assume a protected person's invitation overrides a no-contact order.

> **Before release:** save the written conditions, next court date, location, and contact details. Plan transportation. Ask counsel before changing arrangements that may violate an order.

A violation or missed appearance can lead to arrest, loss of bond, and possible additional charges. If an emergency threatens your appearance, promptly contact your lawyer and the court. A message alone does not excuse attendance.

Your first court dates

Tennessee cases do not all follow one sequence. Many begin in General Sessions Court; cases initiated by indictment can follow a different route. Confirm the purpose of each setting with counsel.

Initial appearance

The magistrate addresses the charge, rights, counsel, and release issues. This is not automatically the same event as a later arraignment. If you cannot afford a lawyer, ask about appointed counsel and the eligibility process.

Preliminary hearing

When available, this hearing addresses probable cause, not guilt beyond a reasonable doubt. Discuss the hearing and any proposed waiver with counsel; availability and timing depend on how the case began and later developments.

Arraignment and pleas

At arraignment, the charge is formally presented and a plea is requested. A guilty plea waives important trial rights and can have lasting consequences. Ask counsel about the evidence, available defenses, diversion eligibility, and effects on work, immigration, and licensing before deciding.

> **Do not plead guilty simply to leave faster.** Ask for the chance to speak with counsel and understand the proposed disposition. Relief from a plea later can be difficult and time-limited.

Court-day checklist

- Confirm the date, time, court, courtroom, and address. Be early for parking and security.
- Bring identification and all case papers. Dress neatly; silence your phone.
- Request an interpreter or disability accommodation promptly if needed.
- Speak respectfully when addressed. Write down the next setting before leaving.

Counsel and evidence

Early legal advice can help preserve evidence, clarify release restrictions, and identify deadlines. A defense lawyer can review the charge, challenge unlawful evidence gathering where appropriate, evaluate negotiations, and represent you in court.

Have this ready when you call

- Your name and safe callback number; the county and jail, if applicable.
- The charges, case or booking number, arrest date, and next court date.
- Copies of warrants, citations, bond conditions, and license notices.
- Any urgent problem: custody, medical needs, a deadline, or a release restriction.

Preserve evidence without changing it

- Keep original messages, photos, videos, receipts, and location records. Do not delete, edit, or ask someone else to remove relevant material.
- Tell counsel quickly about cameras or recordings that may be overwritten. Preserve originals and backups without accessing anyone else's account.
- Write a factual timeline for counsel. List witnesses and contact information; do not coach witnesses or contact anyone in violation of an order.

Questions to ask a lawyer

Who will handle my case? What does the fee cover? Are hearings and trial included? How will we communicate? What deadlines or immediate evidence issues need attention? Request a written agreement.

> **Be candid with counsel.** Ask how to communicate confidentially. Ordinary jail calls, shared devices, and adding other people to a conversation can create confidentiality problems.

Common myths

"Arrested means guilty."

An arrest is an accusation, not a conviction. At trial, the prosecution must prove the charged offense beyond a reasonable doubt.

"No Miranda warning means dismissal."

Not automatically. The issue often concerns whether particular statements can be used. Custody, questioning, and other facts matter.

"If I explain enough, police must let me go."

An explanation can become evidence. Clearly invoke your rights and discuss the incident with counsel.

"A quick guilty plea makes everything disappear."

A plea can bring lasting consequences. Eligible judicial diversion may defer entry of judgment, but it has conditions and is not guaranteed. [2]

"Bond payment ends the case."

Release and the criminal charge are separate matters. Court dates and release conditions continue.

"A dismissal automatically erases every record."

Ask about the required expungement process. Private background-check records can require additional follow-up. [2]

"Only my friends can see my posts."

Messages and posts can be saved or forwarded. Do not discuss the case online, and do not delete existing evidence.

DUI and your license

A DUI allegation can create both criminal and license consequences. An implied-consent issue is distinct from the DUI charge; do not assume an automatic separate administrative hearing or a universal deadline. Have counsel review every notice and the applicable process.

Different tests have different rules

Roadside coordination exercises, breath tests, blood tests, and oral-fluid tests are not interchangeable. The officer's legal basis, warnings, consent, any warrant, and testing procedures all matter. Do not use this guide as a blanket instruction to accept or refuse testing.

Changes relevant in 2026

Public Chapter 403 includes changes effective January 1, 2026. It authorizes oral-fluid testing in specified circumstances and allows an implied-consent charge after refusal even when blood is later obtained by warrant or other lawful means. It also lengthens certain refusal-related revocations. The exact consequence depends on the test, offense date, history, and facts. [3]

> **Refusal does not guarantee that no sample will be collected.** It can also have license consequences. Tell counsel exactly what testing was requested, what warnings were given, and what occurred.

What to keep

- Every citation, testing or refusal form, court order, and driver-license notice.
- The dates and times of the stop, arrest, testing requests, and sample collection, as best you remember.
- Information about relevant medication or medical conditions for confidential discussion with counsel.

Ask about driving eligibility, restricted-license requirements, and ignition interlock before driving. Do not drive while suspended or revoked, or assume that a court order alone completes all licensing requirements. [4]

After the case: expungement

A case ending and a record being cleared are different events. Ask what remains on the court and criminal-history records and what process applies to each charge.

Three situations to distinguish

- **Dismissal or acquittal:** many qualifying outcomes permit expungement without a court fee. Have counsel check the actual disposition and any exception.
- **Diversion:** successful completion may open a route to expungement, but the process must be completed. Pretrial and judicial diversion are different.
- **Conviction:** only eligible convictions qualify. The offense, sentence, history, waiting period, and other statutory requirements matter.

The rules differ by route. Do not assume that a prior conviction, pending charge, or unpaid amount has the same effect on every kind of expungement. [2]

Use current forms and statutes

Tennessee reorganized its expungement statutes in 2025. Dismissed-offense provisions largely moved to section 40-32-106, and specified conviction provisions to sections 40-32-107 and 40-32-108. Some routes also involve TBI certification. Counsel should identify the current process rather than rely on an older form. [5]

> **Before closing the file:** ask which charges qualify, who will submit the request, what fees apply, and how to confirm completion. Keep a certified copy of any expungement order.

Private background-check companies may retain copied information. Review later reports and ask about correcting inaccurate entries. An expungement order is not a promise that every internet reference disappears. [2]

09 / KEEP THIS PAGE WITH YOUR PAPERS

Your next steps

Use this worksheet for logistics. Keep your account of the incident and sensitive details separate for confidential discussion with counsel.

Name / case number

County / court

Courtroom / street address

Next date / time

Lawyer / callback number

Release conditions to review

Transportation / reminder plan

Document checklist

Warrant or citation / Bond papers / Release conditions
Court notices / License notices / Receipts
Original evidence preserved / Copies of each document saved

Talk through your options

Contact the office with your county, charge, and next court date. Explain any urgent deadline when you call. Avoid sending detailed case facts through public comments or social media.

> **Call for a free consultation.**
> **615-784-4677** | maynardlawtn.com
> Law Offices of Thomas Maynard | Criminal Defense | Lebanon, Tennessee
> 111 N Greenwood St, Suite B, Lebanon, TN 37087

Open the office contact page | Scan the QR code on the cover.