



## Legal Tip of the Month

### Don't Ever Consent To a Search of Any Kind

Make the police get a search warrant. If you get pulled over and for some reason the police want to search the car, tell them no (politely, of course). If the police want to search your phone to help “clear things up,” tell them no. This is especially true if you are a parent, and your child is alleged to have been involved in some type of wrongdoing at school. Consenting to a search of your child’s phone will probably make things worse. I have many cases where my client has been ensnared in ambiguous circumstances and now, because they consented to a search of their phone, their home, or their car, they are facing criminal charges. This happens all the time.

The safest thing to do is be clear that you do not give your consent to any search. I think people get lured into giving consent to a search because they think they have nothing to hide, or because they are worried about what the police will think or say if they don’t give consent. Dispel those notions now. You may think you have nothing to hide and that you are completely innocent. You are probably right. But that’s a trap. Innocent people get charged with crimes. It happens. Things are taken out of context. If you don’t consent to a search, absent some special circumstances, the police must get a search warrant. I’ve won many cases by arguing that the search warrant was illegal. It can be hard to do that if you consent to the search.

---

## A Word From Nate

I recently experienced a random act of kindness that I can’t stop thinking about. The power of kindness is contagious, and really does make the world a better place. Last month, one of my favorite bands—Tedeschi Trucks Band—was doing a four-night run in Boston. I scored a last-minute ticket to Saturday night’s sold-out show. I had a great, close-up view of the stage, but the space itself was very cramped. This was especially so because I am a large human. The gentleman seated next to me was mobility impaired and, between the two of us, he didn’t have enough room to park his wheelchair and I didn’t have enough room park my large frame. It was a bad situation for both of us.

After the first set, I wandered the venue trying to find a spot where I could comfortably enjoy the show. At some point I ended up in one of the isles and was happy because I had plenty of room and a good view. Of course, that didn’t last long. One of the ushers asked me to return to my seat. With the music blaring, I bent over and politely explained to her what was happening and why I couldn’t stay in my seat. I then asked her the magic words: “Can you help me?” She nodded, told me to follow her, and together we began to push through the crowd. She blazed the way forward with her flashlight ordering people out of the way.

As we made our way to the last row of the floor seats, she shone her flashlight on a wall close to the soundboard. This was a prime location with several concertgoers having already claimed the territory. With impressive authority, she ordered them back to their seats, looked at me, smiled, and pointed to the empty wall. “All yours,” she said. In disbelief, all I could mete out was a measly, but genuine, thank you. “No problem,” she

quipped and walked away. I enjoyed the rest of the show with a perfect view and more room than I could possibly need. It was such a joyful moment.

The point of this is that I was impacted by a random act of kindness by simply asking for help. It makes me want to return the favor. And it also reminds of a very important practice in Buddhist meditation, known the in the West as Loving Kindness. The basic idea is that this type of mediation helps you strengthen the feelings of interconnectedness with others, and importantly, helps bolster your own self-worth. I have been practicing Loving Kindness for over 5 years. I don't know how to quantify this but trust me when I say that it works. I remember going through a rough patch recently, and I practiced Metta mediation (the Pali word for Loving-Kindness) exclusively for two weeks. Straight up: it brought me out of the doldrums. It's the best medicine for the blues. Anyway, here's how you do it:

- 1. Find a comfortable seat. You can either sit cross-legged or in chair with you back supported (as I do).**
- 2. Close your eyes and take some breathes. Watch your breath come in, and watch it go out.**
- 3. Now, you're going to say some silent phrases to yourself, about yourself, over and over again. The classic phrases are: May I be safe. May I be happy. May I live with ease.**
- 4. Next, you want to extend this same Loving Kindness to other people. Start with a stranger who has helped you in the past. The same mantra applies: May [the guy at Starbucks who paid for my coffee) be safe. May he be happy. May he live with ease.**
- 5. Finally, extend these same offerings to people you love.**

If you think for one minute that this stuff is going to make you soft, you're dead wrong. The courtroom is a battlefield where war is waged. I practice Loving Kindness and it hasn't made me a bit less fierce. In fact, I'm more dangerous now than ever.

---

## Will My Case Be Tried Before a Judge or a Jury?

The United States Constitution, as well as the Massachusetts Constitution, give defendants in criminal cases the right to have their case heard by a jury of their peers. The law also allows a defendant to make an election allowing his or her case to be tried in front of judge, without a jury. This is called a bench trial and is often referred to as a "jury waived" trial.

[Learn More](#)

---

## Not Guilty in a Massachusetts OUI

As the judge stepped up to the bench, I could feel my client's nervous breath as I watched her eyes dart around the room. This was the biggest day of her life. Before getting arrested for drunk driving, she had never been in trouble with the law. The courtroom may as well have been Antarctica; she was completely lost. I was her guide, and she was on trial...

[Learn More](#)

---

## Recommended Reading

---

## Wonder by R.J. Palacio

Double click to edit

Kindness to others and to yourself is the fuel that keeps humankind going. Wonder is another fantastic book recommendation by my sister who, it seems, reads 50 books a week. I trust anything she sends my way. The book is a compelling and moving story about the power of kindness. It's fun and easy to read and in a sneaky way, philosophical. A great book to crank out during the first week of the New Year.

Because honestly, we all need a little more kindness in our lives.



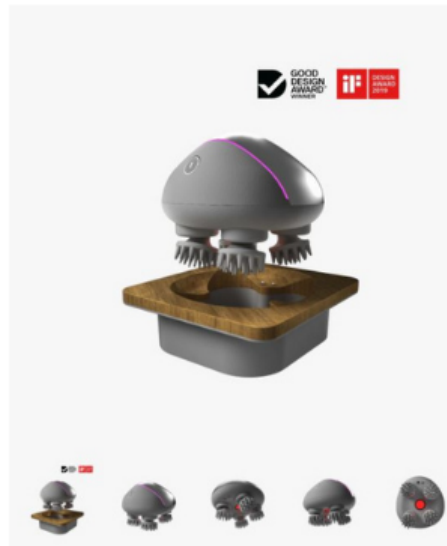
## The Storytelling Animal: How Stories Make Us Human by Jonathan Gottschall

I once heard someone say that trial lawyers are America's last great storytellers. Sometimes, when people ask what I do for a living, I tell them that I'm a professional storyteller. After all, a criminal trial is a battle of competing narratives. Whoever can tell the best story wins. Gottschall's book helps explain why people—jurors included—are so drawn to stories, particularly those fraught with danger and violence. This book tugs at a lot of universal themes and was quite enjoyable to read.



---

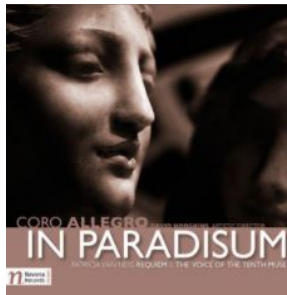
**Best Holiday Gift**



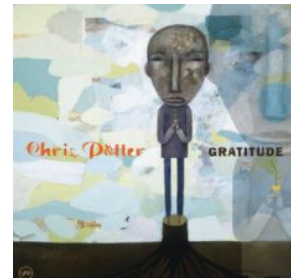
This Breo scalp massager was by far my best Christmas gift this year.

### What I'm Listening To

The nature of my work involves long periods of deep concentration. A set of headphones and these albums help me maintain focus.



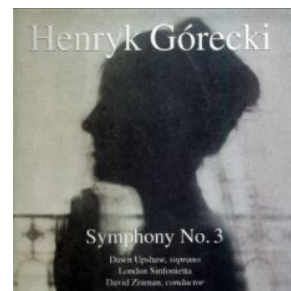
In Paradisum – haunting and beautiful, I like this one for deep work in the early morning. Just let it play the whole way through.



Gratitude by Chris Potter – a great modern jazz album that swings hard.



Odin's Raven Magic by Sigur Ros – I'm a huge Sigur Ros fan. All songs are sung in the made-up language Hopelandic, so it's easy to get lost in your work without getting lost in the lyrics.



Symphony of Sorrowful Songs by Henryk Górecki – this might be one of my favorite classical “albums.” If I was listening to this on CD, I think I would have worn it out by now.

---

Nate Amendola Defense serves Massachusetts in criminal defense matters.  
Contact our Hingham law office today at 781-740-0800.

