

## MICHAEL LOWE'S STORY

# Consequences of the Initial Appearance Crisis<sup>3</sup>

In July 2021, Michael Lowe was on vacation in New Mexico when police arrested him on a Texas warrant and booked him into a local jail.

After eight agonizing days, Mr. Lowe finally had his first court appearance. The judge told Mr. Lowe that Texas wanted to extradite him from New Mexico to a court in Fort Worth, Texas. The judge could not even explain the charges. Still, he encouraged Mr. Lowe to agree that he was the person wanted in Texas and to waive all factual and legal objections to his arrest. Without a lawyer to explain his options, Mr. Lowe followed the court's advice and gave up his right to contest extradition.

The judge returned Mr. Lowe to jail, where he waited another nine days behind bars. During his 17 days of detention, Mr. Lowe was strip-searched, slept on the floor of a cell, and witnessed violent assaults.

Once he was released, Mr. Lowe finally got a lawyer's help and some real answers: Texas police were accusing him of stealing from a duty-free shop at the Dallas-Fort Worth airport. When his lawyer quickly demonstrated that Mr. Lowe was innocent, police dropped all charges. But the psychological and financial damage was not so readily repaired.

Mr. Lowe's 17 days of wrongful detention inflicted lasting trauma. He suffers from anxiety, panic attacks, and insomnia. Several of his employees quit, and he lost thousands of dollars when

an important project was canceled. His business has never recovered.

This trauma could have been avoided if New Mexico had provided Mr. Lowe with a prompt initial appearance and the assistance of counsel.

