Criminal Law:

Prosecutors are extremely aggressive in the manner in which they charge people with crimes. There are literally thousands of different crimes which people are charged with every day, and the courts calendars are full of criminal cases ranging from petty offenses to serious crimes. The most common criminal issues people often face include DUI (Driving Under the Influence of Drugs and/or Alcohol), Possession of Controlled Substances (Marijuana, Cocaine, another person's prescription drugs, etc.), Hit and Run, Assault, Battery, Domestic Violence / Corporal Punishment of a Co-Habitant, and Stalking. The vast majority of criminal cases are prosecuted in the State Courts under the California Penal Code as misdemeanors, whereas the more serious cases are charged as felonies. Infractions are the most minor of public offenses, generally Vehicle Code violations such as speeding.

What should you do if you or someone you care about has been charged or is about to be charged with a crime? You would call a lawyer with a proven record of helping clients in the toughest situations of their lives. If you have been charged with a crime, whether it is a serious felony or a simple misdemeanor offense, this firm is the place to call for help. If your freedom is at stake, call us and we will advise you of your best course of action. We will explain all of your options, advise you of what to expect as your case moves through the court system and help you navigate the roughest waters you may ever find yourself in. That is our promise.

Description of Offenses:

A misdemeanor is a crime for which the proscribed punishment is imprisonment in County jail for a time not exceeding six months, and a felony is a crime for which the proscribed punishment is incarceration in State prison or death. (Penal Code Sections 17 and 19.) A person charged with an infraction is not entitled to a trial by jury, whereas a person charged with a mindemeanor or a felony is entitled to a trial by jury. (Penal Code Section 19.6.)

BASIC CALIFORNIA DUI LAW

It is a crime to drive a motor vehicle (i.e. a car, truck, boat, etc.) in California if your blood alcohol concentration (or BAC), is at .08 or higher. (Vehicle Code Section 23152(b).) It is also illegal to drive a motor vehicle while under the influence of alcohol and/or any kind of drugs that impair or may impair your senses. (Vehicle Code Section 23152(a).) Why is this important? It gives the prosecutor the chance to charge you with DUI even if your BAC isn't high. This split in the law closed a major loophole and prevented the "good drunk driver" defense previously used by defense attorneys for many years.

ASSAULT

An unlawful attempt to comit a violent injury upon another person. (Penal Code Section 240.) A typical example of this offense occurs during a barfight or conflict on the sidewalk where one person threatens to punch, slap or kick another. These cases are very defensible and should be litigated fully. Eyewitnesses are usually lined up with either the complaining party or the

defense so that manipulation of testimony is very common. The use of a weapon or by means likely to produce death or great bodily harm changes the character of the crime to either an aggravated assault or attempted murder, serious felonies.

BATTERY

Battery is defined as the unlawful use of force or violence upon another person. (Penal Code Section 242.) Battery takes many forms. It can be a simple battery such as a fistfight in a bar. Battery is usually charges as a misdemeanor, along with assault which is a lesser included offense. More serious cases are charged as felonies, often with special circumstances enhancements for the use of a weapon and can include attempted murder charges.

DOMESTIC VIOLENCE

Battery cases also include domestic violence matters, where one spouse or significant other hits, slaps, or shoves another during a dispute. Punishment for domestic violence often includes a year long "Batterers program" as well as probation and fines. Frequently the courts will issue a restraining order which requires the Defendant to stay way from the victim for a period of time, up to 3 years. Violation of these restraining orders in a crime in itself, and many people are charged with restraining order violations.

It is very easy to be arrested for domestic violence. A simple argument between husband and wife (or significant others) can result in a call to the police. Remember this: If someone calls the police, someone is going to jail. Whether or not you think it is sexist, nine times out of ten it's going to be the man who goes to jail. It doesn't matter who's really responsible. It doesn't matter if the wife or girlfriend just "wanted him out of the house for the night". The police don't care what you want. They are charged with protecting the public, not mediating your relationship, and if they believe that violence has occurred or may escalate the police are going to take action.

Even if the complaining person does not want to press charges, the prosecutor may still bring charges against you. Because of this, it is essential to have an experienced domestic violence defense attorney to represent you and protect your legal rights.

After the police arrive and someone is taken away, the situation often gets out of control. The police will usually issue an Emergency Protective Order ("EPO"), which has the legal effect of kicking out one person from the home. When that order is issued, the complaining person has total control over the other's life. Frequently, the restraining order is used as a tool to manipulate the other person into doing or not doing whatever the complaining person wishes. This is exacerbated when the parties have minor children as it has a negative effect on child custody and visitation rights.

People accused of domestic violence are usually charged with one of the misdemeanor or felony crimes: battery, restraining order violations, assault, stalking, kidnapping, sexual assault / rape, murder, making criminal threats, making terrorist threats, false imprisonment, and/or child endangerment. These are very serious charges, and in the wake of the O.J. Simpson criminal trial police and prosecutors take any charges of domestic violence deadly seriously.