

Los Angeles Arson Defense Lawyer Tracy M. Grayson

Arson: [The Law](#) [Possible Consequences](#) [Defenses](#)

If you are charged with arson, contact Tracy Grayson, who has an outstanding trial and settlement track record with respect to arson cases; he understands the law well and fights hard for his clients. Arson is a very serious crime and can be a violent and/or serious strike under California's Three Strikes Law. Also, for certain arson crimes, probation is restricted and is granted only where unusual circumstances are present.

The Law

In order for you be found guilty of arson of an inhabited structure, the prosecutor must prove that: you set fire to, burned, caused to be burned, or aided, counseled, or procured the burning of an inhabited structure or property; you acted willfully and maliciously; and the fire did in fact burn an inhabited structure or property. Generally, arson is not a specific intent crime, which means you need only have the general intent to commit the act which caused the fire (lighting a fire, hiring someone to light a fire, etc.). One exception is aggravated arson.

There are various arson charges listed in the Penal Code, as well as lesser and similar charges to arson, some of which are misdemeanors. The penalties for felony arson range from 16 months to 9 years in state prison. The most severe charge is aggravated arson, which carries a minimum of ten years in state prison and a maximum of life in prison. Misdemeanor charges range from probation with time served to one year in the county jail. The punishment varies depending on the level of risk to human life, the amount of property damage, the number of structures damaged, and whether you have a history of arson convictions.

Here is a sampling of felony arson crimes covered in the Penal Code and the maximum prison sentence possible for each:

- Aggravated arson: 10 years-Life in prison
- Arson causing great bodily injury: 9 years prison
- Arson of an inhabited structure: 8 years prison
- Arson of a structure or forest: 6 years prison
- Arson of your own or another person's property: 3 years prison

The District Attorney (DA) or prosecutor may be able to add enhancements or special allegations to some arson charges where the evidence shows: the fire was committed for financial gain; the fire caused injury to a firefighter, peace officer or emergency worker; the fire burned several structures; victim(s) of the fire suffered great bodily injury (GBI); etc. These enhancements carry up to five additional years in prison.

Possible Consequences

[Return to Top](#)

- County jail or state prison
- Probation or parole
- A criminal record (which may or may not be expunged, reduced or dismissed)
- Fines and fees involving hundreds or even thousands of dollars
- Community service or work (your time and money)
- Restitution or reimbursement to the victim for loss of or damage to property
- Have to provide DNA sample which goes into a nationwide database
- Register as an arson offender
- Constitutes a violent and serious strike, which could result in a longer prison sentence now and if you commit a future felony
- Five-year prior allegation can later add five years to prison sentence if you commit a future felony
- Possible deportation or other immigration consequences
- No longer able to own, use or possess a gun or weapon
- Could affect current job, future employment or professional license
- Could affect your driver=s license
- Could affect right to vote, jury service, and holding public office

[Return to Top](#)

Defenses

Lack of evidence, alibi, witness credibility, and existence of surveillance video footage are all common defenses and issues which have come up during Attorney Grayson's 15 years of successfully fighting arson cases.

Police officers are usually not present when an arson incident occurs, but they can still be important witnesses. They can be important if, for example, during their investigation they locate video footage of you starting a fire or which shows you near the scene of a fire; if you say something incriminating during questioning (never talk to the police); if officers locate fingerprints or DNA on particular items involved in or near the fire (for example, on an unburned

item, door, window, etc.); if the police search you, your property, car, house, etc., and locate incriminating evidence--for example, an accelerant or an incendiary device (never consent or agree to a search).

If you or your property are in fact searched, it is possible that the search was conducted illegally in violation of your Fourth Amendment rights, and if so, the evidence could be suppressed and your case dismissed.

Either way, as an experienced, skilled, and aggressive attorney, Tracy Grayson will thoroughly review, investigate and prepare your case, interview prosecution and defense witnesses, obtain additional discovery, research complexities in the law, prepare motions, appoint or hire experts, aggressively fight for your freedom in court, and make certain that we do everything possible to win your case.

If you want to beat your arson case, [contact attorney Tracy Grayson now!](#)