

Los Angeles Domestic Violence Defense Lawyer

Tracy M. Grayson

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Tracy Grayson has an incredible track record with regard to domestic violence, spousal battery, and spouse abuse cases. He has never lost such a case at trial, and nearly 100 percent of the cases he has handled have been dismissed. Otherwise, the few remaining clients where Mr. Grayson has not been able to get a dismissal have been granted probation with no jail time. The worst outcome has usually been that the client had to go to counseling and perform community service and/or pay a fine.

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The Law

Domestic violence encompasses a wide-range of crimes and criminal activity, including criminal threats and stalking, but is often charged as inflicting injury on a spouse (Penal Code section 273.5(a)) and/or simple battery against spouse (Penal Code section 243(e)(1)). Inflicting injury on a spouse occurs when someone willfully causes physical injury to one's current or former spouse or fellow parent resulting in a traumatic condition, which can be even a minor wound such as a small scratch or small bruise. Spousal battery involves touching in a harmful or offensive manner one's current or former spouse, fellow parent, or someone you have dated; the touching can be hitting, kicking, biting, etc., but it can also be a slight touching.

The penalties for both crimes when charged as misdemeanors are up to one year in county jail and/or a \$6,000 fine (\$2,000 for spousal battery). When these crimes are charged as felonies, the penalties are much more severe and you could potentially go to prison for many years and pay much heavier fines. For these more serious felony cases, the charge can also be filed as an assault with a deadly weapon (ADW) or assault by means likely to cause great bodily injury (GBI), both of which are strikes under California's Three Strikes law. There are various other types of domestic violence offenses listed in the Penal Code, including sexual abuse as well as abuse against children, elderly people, and others, and the punishments vary according to the charge.

Also, the DA or prosecutor may be able to add enhancements or special allegations to the main charge; for example, if the evidence shows that you used a gun, a knife, a baseball bat, or other

weapon. Such enhancements include personal use of a weapon or causing serious bodily injury to the victim (GBI). When enhancements are added, you risk spending a lot more time in prison.

Possible Consequences

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- County jail or state prison
- Probation or parole
- Having a criminal record (which may or may not be later expunged, reduced, or dismissed)
- Fines and fees involving hundreds or even thousands of dollars
- Anger management or domestic violence classes for up to a year (your time and money)
- Community service or work (your time and money)
- Restitution or reimbursement to the victim for medical bills, property damage, etc.
- If charges involve ADW or GBI, a strike could result in longer prison sentence(s) now or if you commit future felonies
- No longer able to own, use or possess a gun or weapon
- Could affect current job, future employment or professional license
- Restraining or protective order will be issued
- Could affect child custody and visitation arrangement with fellow parent
- May have to move out of you and your spouse's home
- May not be able to have contact with your own children

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Defenses

In sports it is often said that the best defense is a good offense. This is especially true with domestic violence cases, where it is extremely important to immediately hire an experienced, skilled attorney like Tracy Grayson early on, preferably the day you are arrested. Realize that once you are arrested, your spouse, as the victim, has no control over pressing charges because once the police and the DA or prosecutor are involved, they have complete control over whether charges will be filed against you. It does not matter if your spouse wants to drop the charges.

Nevertheless, Mr. Grayson has been very successful in convincing the DA or prosecutor to dismiss the charges in many of his cases, and has otherwise employed various legal tactics to ensure a great outcome for his clients in domestic violence cases.

Barring a dismissal, self-defense, mistaken identity, witness credibility, lack of intent, and lack of evidence are all common defenses and issues which have come up during Attorney Grayson's 15 years of successfully fighting domestic violence and related assault and battery cases. These defenses and issues are especially evident where the so-called victim: has no injuries; gives inconsistent statements (lies); had a weapon during the incident; physically started the fight; was intoxicated and/or using drugs at the time of the incident; exaggerated their injuries as compared against their medical records and photos; has a history of and a reputation for violence; and has a violent criminal record.

Also important is the fact that you have witnesses who were present during the incident and can corroborate your story; or that during the incident there were no witnesses at all, which means it is the victim's word against your's.

Police officers are usually not present when domestic violence incidents occur, but they can still be important witnesses. They can be important if, for example, they find a weapon when you or your property are searched (never consent or agree to a search!); they see injuries on the victim's face or body and then take photographs; you say something incriminating (never talk to the police!); etc. Such searches may be illegal, and if they are, the evidence could be suppressed and your case dismissed.

Either way, as an experienced, aggressive attorney, Tracy Grayson will thoroughly review, investigate and prepare your case, interview your spouse and other 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.

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If you want to beat your domestic violence case, contact attorney Tracy Grayson today!