

### Los Angeles Misdemeanor Defense Lawyer Tracy M. Grayson

Misdemeanor Defense: [The Law](#) [Possible Consequences](#) [Defenses](#)

Contact defense attorney Tracy Grayson for a free consultation if you have been charged with a misdemeanor crime. Mr. Grayson has an outstanding trial and settlement track record with respect to every kind of misdemeanor case, including domestic violence, DUI, theft, suspended driver's licenses, gun cases, etc. Nearly all of his clients end up avoiding jail altogether. Although misdemeanors are by definition more lightweight crimes compared to felonies, they can still have significant consequences, especially for people who are not used to getting into trouble with the law. Mr. Grayson is very sensitive to the fact that many misdemeanor clients have never violated the law before.

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#### **The Law**

A misdemeanor is defined as a crime involving up to a year in the county jail. There are thousands of misdemeanor crimes listed in the state, county, and municipal codes. However, the majority of misdemeanor cases in California involve roughly 30 types of criminal activity:

#### **Most Common Misdemeanor Crimes**

- Battery and/or assault
- Criminal or terrorist threats
- Domestic violence
- Disturbing the peace
- Driving under the influence (DUI)
- Driving on a suspended license, without a license
- Gun and weapons cases
- Petty and grand theft, forgery, fraud, etc.
- Prostitution and solicitation
- Receiving stolen property
- Resisting arrest and/or executive officer
- Vehicle theft (GTA), joyriding

### Other Misdemeanor Crimes

- Accessory to a crime
- Bookmaking, illegal gambling
- Child abandonment, failure to provide
- Child abuse, infliction of injury
- Cruelty to animals
- Evading law enforcement
- False identification presented to police officer
- Gang injunction violation
- Hit and run
- Housing code violations
- Indecent exposure
- Possession of less than an ounce of marijuana
- Public intoxication ("drunk in public")
- Reckless driving, speed contest
- Stalking
- Trespass
- Under the influence of a controlled substance
- Vandalism (including graffiti)
- Violation of a restraining or court order, contempt

### Wobblers

Many misdemeanors are wobblers. A wobbler is a crime that can be charged as a misdemeanor or felony. This is important because you may believe that your behavior amounts to simply misdemeanor conduct, but if the DA or prosecutor is able to meet certain criteria, you could end up being charged with a felony. For example, if you get caught stealing a shirt from the mall, the prosecutor could charge you with petty theft, which normally would be filed as a misdemeanor for a first-time offender. However, petty theft is a wobbler, so the DA could charge you with a felony, provided that certain criteria are met. Thus, if you have a prior conviction for committing a theft crime, and at the time of that prior crime you were booked at the jail (even if you were not actually taken into custody), the prosecutor could elevate the crime to a felony (called a "petty theft with a prior"). Lots of misdemeanor crimes are wobblers, including domestic violence and driving under the influence (DUI).

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### Possible Consequences

- County jail
- Summary (unsupervised) probation
- 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
- Various classes and programs depending on the charged crime
- Drug counseling
- Drug rehabilitation or treatment program (inpatient or outpatient)
- Drug testing, aids testing, etc.
- Alcoholics anonymous (AA), narcotics anonymous (NA) meetings, etc.
- Community service or work (your time and money)
- Restitution payment
- Could result in having a priorable offense, which may enhance a future crime or prison sentence
- Possible registration as a drug, sex, or arson offender
- Possible deportation or other immigration consequences
- Could affect current job, future employment or professional license
- Could affect your driver's license

If your case involves a wobbler and is bumped up to a felony, you may face these additional consequences:

- State prison
- Felony (supervised) probation or parole
- Have to provide DNA sample which goes into a nationwide database
- A "five-year prior" allegation can later add five years to prison sentence if you commit a future felony
- Strike prior under California's Three Strikes Law (e.g., felony criminal threats)
- No longer able to own, use or possess a gun or weapon
- Could affect right to vote, jury service, and holding public office

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### Defenses

In sports it is often said that the best defense is a good offense. This is also true with criminal cases, including misdemeanors, 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, your friend, whoever the victim is they have 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 the victim 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 misdemeanor cases (and even some felonies), and has otherwise employed various legal tactics to ensure a great outcome for his clients.

With many misdemeanor crimes, police officers are often present when the crime is (allegedly) committed, including the following cases: DUI, gun possession, driving with a suspended license or no license, vandalism (graffiti), under the influence of drugs, possession of drugs, evasion or flight from the police, resisting arrest, public intoxication, possession of open container, prostitution and solicitation, loitering, gang injunction violation, reckless driving, false I.D. presented to police, and driving with marijuana in vehicle.

Obviously, because the police are present, they become very important witnesses. They can be important if, for example, they find a weapon when you, your property, car, or house 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. Keep in mind that such searches may be illegal, and if they are, the evidence could be suppressed and your case could be dismissed.

Barring a dismissal, during Attorney Grayson's 15 years of successfully fighting misdemeanor cases, he has raised various defenses and issues to get great results for his clients: self-defense, entrapment, defendant has alibi, mistaken or unreliable identification, witness credibility, lack of intent, insufficient or lack of evidence, mistakes by law enforcement, inconsistent statements (lies), destruction of evidence, lack of documentation, prejudice, prosecutorial misconduct, unreliable informants, accident, false, coerced, or forced confession, uncooperative witness, witness recanting, lack of corroboration, violation of constitutional rights, failure to comply with discovery rules, non-compliance with Title 17 (DUI cases), lack of notice (driver's license cases), consent or permission (trespass cases), witness did not take threat seriously (criminal threats cases).

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.

### Medical Marijuana

Finally, if your case involves marijuana, you may have another defense available that we can utilize. It comes from the Compassionate Use Act, which gives certain people the right to cultivate, possess, and smoke (or otherwise ingest) marijuana if they have a doctor's prescription.

Remember, when charged with a misdemeanor crime, you need an experienced, skilled, and aggressive attorney like Tracy Grayson fighting for you. He will thoroughly review, investigate and prepare your case, interview prosecution and defense witnesses, obtain additional discovery, research complexities in the law, prepare motions, appoint 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 misdemeanor case, [contact attorney Tracy Grayson now](#) !