

# Los Angeles Theft Crimes Defense Lawyer Tracy Grayson

Theft Crimes:                    [The Law](#)   [Possible Consequences](#)   [Defenses](#)

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Tracy Grayson is one of Southern California's top lawyers for theft cases of all kinds, including petty theft, grand theft, identity theft, auto theft, forgery, counterfeit, embezzlement, fraud, receiving stolen property, extortion, and white collar crimes of all types. Mr. Grayson has an outstanding trial and settlement track record with respect to theft and white collar crime cases. The overwhelming majority of his clients have been granted probation. In many cases, Mr. Grayson has negotiated a rather unique settlement of the case which results in no conviction at all.

Mr. Grayson has successfully handled many unemployment fraud cases for clients faced with complaints from Employment Development Department (EDD). He is an experienced unemployment attorney specializing in handling EDD criminal complaints and EDD appeal hearings. If you need help with defending your unemployment benefits, contact attorney Tracy Grayson

In a recent case at the central court in downtown Los Angeles, Mr. Grayson fought hard to whittle the case down from robbery to petty theft and eventually to a dismissal. His very young client and the client's father were very happy when Mr. Grayson got the DA and judge to go along with a disposition which allowed the client to have the conviction erased from his record if he performed community service and stayed out of trouble.

## The Law

### Petty and Grand Theft

To be found guilty of petty or grand theft (by larceny), the prosecutor must prove that: you took possession of property owned by someone else; the property was taken without the owner's consent; you took the property intending to deprive the owner of it permanently; and you moved the property, even a small distance, and kept it for a period of time, however brief. You can be

found guilty of petty theft no matter how slight the value of the property. Note that a person who takes property while inside of a store who then presents it for a refund is guilty of theft. Also, it is possible to be found guilty of stealing community property. If convicted of petty theft as a first-time offender, you face up to six months in county jail.

### **Grand Theft**

The elements for petty and grand are the same, except for the following additional element: in order to be found guilty of grand theft, the property must be worth more than \$400. However, there is an exception for “thefts from the person.” If property is taken from anywhere on someone else’s body, from their clothing, purse, bag, or from any container they happen to be carrying, you could be found guilty of grand theft regardless of the value of the property. If convicted of grand theft, you face up to three years in state prison, and up to one year in county jail if convicted of a misdemeanor.

### **Petty Theft with a Prior**

If you have been convicted of a prior theft offense and served a term in a penal institution as a result of that conviction, you could be charged with a petty theft with a prior, which could elevate the crime to a felony. A penal institution includes city jail, county jail, state prison, youth camp, etc. In fact, even if you were merely booked at the local city jail, that would satisfy the penal institution requirement. If convicted of a felony, you face up to three years in state prison. If convicted of a misdemeanor, you face up to one year in county jail.

### **Infraction**

An infraction is similar to a citation or traffic ticket, which means you will not be convicted of a crime and there is no probation or jail involved in your sentence (not even summary probation). In some cases, Mr. Grayson has been able to get his client’s petty theft reduced to an infraction. The value of the stolen property must not exceed fifty dollars and you cannot have any prior convictions for any type of theft offense. The maximum punishment is a \$250 fine.

### **Auto theft**

To be found guilty of auto theft, the prosecutor must prove that: you took or drove someone else's car or vehicle without the owner's consent; and when you did so, you intended to deprive the owner of possession or ownership of the car or vehicle for any period of time. If convicted of a felony, you face up to three years in state prison. If convicted of a misdemeanor, you face up to one year in the county jail.

### **Identity theft**

To be found guilty of identity theft, the prosecutor must prove that: you willfully obtained someone else's personal identifying information; you willfully used that information for an unlawful purpose; and you used the information without the consent of the person whose identifying information you were using.

Personal identifying information includes a person or entity's name, address, social security number, driver's license number, bank account number, password, PIN number, etc. The victim can be a person, an entity, corporation, business, public entity, etc. An unlawful purpose includes obtaining or attempting to obtain credit, goods, services, or medical information in the name of another person. If convicted of a felony, you face up to three years in state prison. If convicted of a misdemeanor, you face up to one year in the county jail.

### **Receiving Stolen Property**

To be found guilty of receiving stolen property, the prosecutor must prove that: you bought, received, sold, aided in selling, concealed, or withheld from its owner property that had been stolen or obtained by extortion; when you acted, you knew that the property had been stolen or obtained by extortion; and you actually knew of the presence of the property. If convicted of a felony, you face up to three years in state prison, and up to one year in county jail if convicted of a misdemeanor.

### **Embezzlement**

To be found guilty of embezzlement, the prosecutor must prove that: an owner or their agent entrusted their property to you; the owner or their agent did so because they trusted you; you fraudulently converted or used that property for your own benefit; and when you converted or used the property, you intended to deprive the owner of their property or use of their property. If convicted of a felony, you face up to four years in state prison. If convicted of a misdemeanor, you face up to one year in the county jail.

### Extortion

To be found guilty of extortion, the prosecutor must prove that: you threatened to unlawfully injure or used force against another person, a third person, or against the property of another person or third person; when making the threat or use of force, you intended to use that fear or force to obtain the other person's consent to give you money or property; as a result of the threat or use of force, the other person agreed to give you money or property; and as a result of the threat or use of force, the other person then gave you money or property. If convicted of a felony, you face up to four years in state prison. If convicted of a misdemeanor, you face up to one year in the county jail.

### Possible Consequences

- County jail or state prison
- Summary (unsupervised) probation
- Supervised probation
- 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
- Theft counseling or classes
- Community service or work (your time and money)
- Restitution or reimbursement to the victim for loss of or damage to property
- Having to provide DNA sample which goes into a nationwide database
- Could result in having a priorable offense, which may enhance a future crime or prison sentence
- 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 right to vote, jury service, and holding public office

### **Defenses**

In sports it is often said that the best defense is a good offense. This is also true with theft cases. It is extremely important to immediately hire an experienced, skilled attorney like Tracy Grayson, preferably the day you are arrested, although a later time will suffice as well.

Mr. Grayson has been very successful in convincing the DA or prosecutor to dismiss charges, to reduce charges; to agree to a civil settlement; to agree to deferred entry of judgment or diversion, which allows the client to complete classes instead of being convicted of a crime; to give clients with prior theft convictions a break, thereby allowing them to plead to the same deal offered a typical first-time offender; to reduce the charged offense to an infraction; etc. Mr. Grayson employs various legal tactics to ensure a great outcome for his clients in all kinds of theft cases.

Lack of evidence, lack of intent, lack of knowledge, innocent intent, claim of right, false arrest, consent, and witness credibility are the most common defenses and issues which have come up during Attorney Grayson's 15 years of successfully fighting theft cases of all kinds.

### **Claim of Right**

If a person actually believes that he or she has a right to the property, even if that belief is mistaken or unreasonable, such belief is a defense to the theft. This defense does not apply if you attempted to conceal the taking at the time it occurred or after the taking was discovered. It also does not apply to offset or pay claims against the property owner of an undetermined or disputed amount. Lastly, it does not apply if the claim arose from an illegal activity.

### **Good Faith**

A defense to embezzlement is a good faith belief you were acting with authorization to use the property. However, a good faith belief in the right to the property does not negate the specific intent required for the crime of extortion. A debt cannot be collected by extortion.

### Restoration

An intent to restore or return property is not a defense. Even a temporary deprivation is sufficient to be found guilty of embezzlement. The return of, or offer to return, some or all of property is not a defense to theft.

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.

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If you want to beat your theft case, contact attorney Tracy Grayson now!