

# California Domestic Violence Lawyer

## Overview of Penal Code section 273.5

Violence committed against a spouse, partner or roommate is usually defined as domestic violence. If a person commits a battery on their spouse or significant other or roommate, resulting in a traumatic injury, the person can be charged with felony or misdemeanor domestic violence under Penal Code section 273.5. Whether the crime is charged as a misdemeanor or felony is up to the District Attorney's Office. If the crime is a misdemeanor, then the maximum punishment is one year in jail. If the crime is a felony, then the maximum punishment for this crime is three years in state prison. If a prison sentence is avoided, then a defendant will be required to complete a one-year domestic violence program as a condition of probation for both misdemeanors and felonies.

### Elements

The District Attorney's office has to show each of the following elements, **beyond a reasonable doubt**, in order to prove the crime of domestic violence:

- The defendant willfully and unlawfully inflicted a physical injury on his or her current or former spouse, cohabitant, the mother /father of their child, someone with whom defendant had, or previously had, an engagement or dating relationship;
- The injury inflicted by the defendant resulted in a traumatic condition;
- The defendant did not act in self-defense.

### Other factors:

- Someone commits an act *willfully* when he or she does it willingly or on purpose. It is not required that he or she intend to break the law, hurt someone else, or gain any advantage.
- A *traumatic condition* is a wound or other bodily injury, whether minor or serious, caused by the direct application of physical force.
- "Cohabitants" means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship.

These elements can be found in CalCrim 840 of the Jury Instructions.

## Other Consequences

Not only can a domestic violence conviction lead to criminal penalties, but it can also have drastic firearm, employment, licensing and **immigration consequences**. A misdemeanor conviction of PC 273.5 results in a 10-year firearm ban and a felony conviction results in a lifetime firearm ban. Also, having a domestic violence conviction can prevent a person from finding a job or lead to a person being fired from their current job. Furthermore, many professions that require licensing from a state board, such as doctors, nurses, lawyers, contractors, teachers, real estate agents and stock brokers, all require background checks. A professional who has a domestic violence conviction on their record risks losing their professional license, or never acquiring it in the first place. Perhaps the most severe impact of any domestic violence conviction involves **immigration consequences**. Non-citizens who are permanent residents (green card holders) or temporary visitors, with a visa, can be denied admission, naturalization or even deported, with a domestic violence conviction on their record.

## The Right Lawyer

Choosing the right criminal defense lawyer will be the most important decision someone can make when facing criminal threats charges. Many people who face domestic violence charges are good people who made a mistake or exercised poor judgment. There are also some people who have been wrongfully accused of domestic violence, based on a misunderstanding or false evidence. You need an attorney who will listen to your side of the story carefully, who will evaluate the evidence thoroughly, who will negotiate with the judge and the District Attorney's office skillfully, and who will fight in trial aggressively. You need an attorney like Fred Thiagarajah.

As a former Deputy District Attorney, Fred Thiagarajah has the negotiating skills and trial experience necessary to get the best results for his clients. At the District Attorney's office, Fred Thiagarajah was assigned to the domestic violence unit and prosecuted hundreds of domestic violence cases. He now uses that specialized knowledge to fight on behalf of clients accused of domestic violence. Fred has won over 90% of all his domestic violence cases set for jury trial. If you want the Right Results, you need the Right Lawyers.

Make the Right Choice!<sup>TM</sup>

