

# **ASSAULT AND BATTERY**

## **Aggravated Assault • Sexual Battery Assault with a Deadly Weapon**

**Assault and Battery crimes are taken seriously in California and carry harsh penalties.**

**Assault** is “the unlawful attempt to violently injure another person.” Threats and attempts to physically injure someone qualify as an assault.

**Battery** is “unwanted touching or striking of another person, or anything connected to that person.” Battery is a willful violent act, which causes physical harm.

### **CALIFORNIA ASSAULT AND BATTERY LAWS**

Assault and Battery cases range from simple confrontations and bar fights to domestic violence and assault and battery with a deadly weapon. Under **California criminal law**, charges for these offenses range from **misdemeanors** to **felonies**, and include:

- **Assault:** (simple Assault) an unlawful attempt, coupled with present ability to commit a violent injury upon another person. Can only be charged as a **misdemeanor**.
- **Sexual assault and battery:** unwanted sexual contact in which the victim did not consent to the act. This is one of the more serious crimes because you'll not only face county jail or state prison; you'll become a registered sex offender for life.
- **Assault on a police officer:** an unlawful attempt to commit a violent injury upon a police officer, firefighter, EMT, or code enforcement officer.
- **Assault with a Deadly Weapon:** using a weapon (other than a firearm) of any kind by means of force likely to produce great bodily injury (GBI). Can be charged as a misdemeanor or felony. A conviction for this offense may be considered a '**Strike**' under the **California Three Strikes Law**. Use of a car as a deadly weapon could mean lifetime revocation of your California Driver's License.
- **Assault with a firearm:** an assault on another person with a firearm. Can be charged as a misdemeanor or felony.
- **Battery** (simple Battery): willful and unlawful use of force or violence against another person. Can be charged as a misdemeanor or felony.
- **Battery with Injury:** when a battery is committed against another person and serious bodily injury occurs the battery can be charged either as a misdemeanor or felony.

- **Battery on a police officer:** intentional and unlawful touching, striking, or hitting of a police officer.
- **Domestic Violence:** corporal bodily injury to a family member or a party one has been living with, resulting in a traumatic condition.
- **Mayhem:** disabling or disfiguring a victim's body part such as a cut lip, injured eye, bitten ear, etc. Charged as a felony.
- **Torture:** causing cruel or extreme pain or suffering by inflicting great bodily injury.

## **THE CONSEQUENCES ARE SERIOUS**

Whether you're convicted of a misdemeanor or felony **assault** or **battery**, you could face any or all of the following:

- **County jail or state prison time**
- **A permanent criminal record**
- **Significant fines**
- **Probation**
- **Parole**
- **Mandatory anger management classes**
- **Losing your right to own a deadly weapon**
- **Being turned down for employment after you're released**
- **Lifetime revocation of your California Driver's License**

Assault and battery convictions can be charged as "**Strikes**" in California and fall under the **Three Strikes Law**. This means your sentencing will be worse if you had prior **assault and battery** convictions (or any other convictions such as drug or weapons possession); or you were on probation or parole at the time of the crime. A convicted felon with a prior strike will face a doubled prison sentence for any future strike convictions.

Plus, any conditions that might make the **assault and battery crime** worse, such as torture or use of a gun, will elevate the punishment.

## **EXPERIENCED ATTORNEYS ARE CRITICAL**

If you've been accused or charged with **assault and battery**, you may be able to plea self defense or lack of intent. Your case may even be dismissed depending on the evidence. But the only way you can explore these possibilities is by hiring an experienced attorney with extensive knowledge of the complex **California assault and battery laws**.