

# **CRIMINAL THREATS TERRORIST THREATS**

## **Criminal Law • Criminal Charges**

### **In California, Terrorist or Criminal Threats are Illegal.**

A terrorist or criminal threat is a threat of violence, threat to hurt, injure or kill others with the intent of intimidating or frightening them, or causing public panic.

Examples of terrorist or criminal threats include:

- Calling in a bomb threat to the local post office
- Sending a threatening e-mail to an abortion clinic or church
- Terrorizing a local family for religious or political reasons
- Threatening to hurt your ex-wife's new boyfriend
- Threatening harm or injury to a neighbor

The threat may be made in writing, electronically, by phone or in person. It can be made against an individual, a group of people, or a public building or work place.

### **California Terrorist and Criminal Threats Law**

Under **California Penal Code Section 422**, a terrorist or criminal threat is taken very seriously. To be **convicted** of a criminal threat charge, the alleged act must meet the following 5 conditions.

<b>The 5 Elements of a Criminal or Terrorist Threats California Penal Code Section 422</b>
<b>1. The accused willfully threatened to unlawfully kill or unlawfully inflict great bodily injury on another person</b>
<b>2. The accused made the threat with the specific intent that it be taken as a threat</b>
<b>3. The threat is so unequivocal, unconditional, immediate, and specific as to convey a gravity of purpose and the immediate prospect of execution (the person was very clear and specific about carrying out the threat)</b>
<b>4. The threat actually caused sustained fear in the victim (for "a period of time that extends beyond what is momentary, fleeting, or transitory")</b>
<b>5. The sustained fear was reasonable</b>

## **Terrorist and Criminal Threats Penalties**

In California, a **terrorist** or **criminal threat** may be charged as a **misdemeanor** or a **felony**, depending upon the seriousness of the threat and its consequences as well as the discretion of the prosecutor. The punishment will vary accordingly and **may include jail time, prison time, parole or probation, and large fines**; and you may lose your right to vote or own a gun.

- **Misdemeanor:** the court can impose probation (informal) with or without jail time, community service, physical labor, counseling, restitution (paying the victim), fines (\$200 to \$2,000), and “stay-away” orders. A conviction also results in the person having a permanent criminal record.
- **Felony:** In California a terrorist or criminal threat is punishable by up to three years in state prison. Criminal or terrorist threats are considered a “strike” under California’s Three Strikes Law.

## **Defending a Terrorist and Criminal Threats Charge**

If you’ve been charged with a terrorist threat, the prosecutor must prove all five requirements listed above. There is a fine line between an off-hand statement or a joke and an actual criminal threat that can be punished by law.

The court will weigh the evidence against the First Amendment protecting freedom of speech.

## **An Experienced Criminal Defense Attorney is Critical**

Jerry Nicholson, of The Law Offices of Jerry Nicholson, APC, is an experienced and skilled criminal defense lawyer who provides aggressive representation against allegations of **criminal** or **terrorist threats**.

We will pursue and prepare all defenses to these charges. We will also raise issues such as lack of or insufficient evidence, mistaken identity, or your right to freedom of speech where applicable.

### **We will do this by:**

- **Immediately challenging the charges**
- **Conducting extensive investigations**
- **Interviewing law enforcement officials**
- **Locating and interviewing all the witnesses associated with the criminal threat allegations**
- **Presenting applicable evidence against the person(s) making the charge**