

# DOMESTIC VIOLENCE CHARGE

## Woman · Male · Spousal Abuse Child · Teen · Family

**WHAT IS DOMESTIC VIOLENCE?** Domestic Violence is physical violence, threatened violence, and abuse which occurs in the following relationships:

- Married Couples (also known as Spousal Abuse)
- Cohabiting Couples
- Persons who have a child or children in common
- Persons in a dating relationship or who were in a former dating relationship
- Persons who were formerly married to each other

**DOMESTIC VIOLENCE** covers a wide range of abuse, including **Spousal Abuse** and child endangerment. Any threatening or violent act, even if the accused did not intend to harm or compromise the safety and security of the victim, could be grounds for prosecution under the California Domestic Violence laws.

**DOMESTIC VIOLENCE** cases are treated differently than other criminal cases. There are designated **Prosecutors** and special **Domestic Violence Units** (DV Units) within the Prosecutor's office that stand ready to *aggressively prosecute* anyone charged with Domestic Violence.

### DOMESTIC VIOLENCE ABUSE EXAMPLES

- Threats
- Intimidation
- Annoying Phone Calls
- Stalking (such as following the victim to and from work, and threatening the victim)
- Physical Assault or Abuse
  - Hitting
  - Slapping
  - Pushing
  - Shoving
  - Kicking
  - Biting
  - Pinching
  - Punching
  - Hair pulling
  - Beating

- Sexual Abuse
  - Unwanted sexual touching
  - Forced sexual acts
  - Criticizing sexual ability
- Verbal Abuse
  - Emotional cruelty
  - Constant criticism
  - Name calling
  - Ignoring the victim
  - Degrading remarks
  - Mocking
  - Taunting
  - Swearing
- Financial Abuse
  - Refusing to pay bills
  - Withholding money from victim
  - Not allowing victim to work
  - Not purchasing family necessities
- Social Abuse
  - Isolating the victim from family / friends
  - Violating privacy rights of victim
  - Opening and reading victim's mail
  - Monitoring and listening in on telephone calls
  - Outward jealousy and possessiveness
- Child Abuse
  - Child endangerment charges can be filed if the child witnesses the violence

**DOMESTIC VIOLENCE** charges may be filed as a **misdemeanor** or a **felony**. How it is filed by the Prosecutor is based on the seriousness of the case. Severe injuries (including severe cuts and broken bones) will almost always be charged as a *felony*. No injury or slight injury cases will generally be filed as a *misdemeanor*. Both prior acts of reported domestic violence and the criminal history of the accused may also influence how the case is filed—usually as a felony.

**DOMESTIC VIOLENCE  
PUNISHMENT · CONSEQUENCES**

**Potential Punishments**

**Misdemeanors:**

- Brief jail sentence (0 to 6 months County jail)
- Counseling (52-week program)
- 40 hours of community service or physical labor (CalTrans)
- Various fines
- Stay-Away Order from the victim, including moving out from residence
- "No Harm, No Strike" Order for couples

**Felonies:**

- Jail time (time can range from 3 months in County jail to 3 years in State prison)
- Counseling (52-week program)
- 40 hours of community service or physical labor (CalTrans)
- Various fines
- Stay-Away Order from the victim, including moving out from residence
- "No Harm, No Strike" Order for couples

**WHAT IF THE VICTIM WANTS TO DROP CHARGES?**

**In California, you can be arrested and prosecuted for Domestic Violence even if the victim does not want you arrested.**

In some cases, especially with Spousal Abuse, it is very difficult for the victim to drop charges against the abuser. The Prosecutor can proceed with the criminal case even if the alleged victim decides not to go to court. The **Prosecutor is the only one who can drop charges** because the victim is merely a witness in a government prosecution.

**THE LAW REGARDING DOMESTIC VIOLENCE** is complex and highly specialized. This is why it is important to secure an attorney who is qualified, skilled, and knowledgeable in defending Domestic Violence cases.

An experienced attorney in these types of cases can successfully defend those who are accused of Domestic Violence and take advantages of jail alternatives such as counseling and probation. Do not rely on the advice of friends or family members. Speak with an experienced attorney. Call Jerry Nicholson, Attorney at Law, to discuss the specific facts of your case.

If you feel you are in danger and need to file a Protective Order, such as a Domestic Violence Restraining Order, a Civil Restraining Order, or Civil Harassment Order, please contact The Law Offices of Jerry Nicholson, APC, at (562) 434-8916.