

# EMBEZZLEMENT

## Fraud • Embezzlement Charge • Theft Embezzlement Sentence • Embezzlement by Theft

### Embezzlement Definition: Employee Fraud or Stealing

Simply put, embezzlement or employee theft is stealing from your employer.

In California, this is a serious fraud crime carried out by employees who are familiar with the organization and exploit that knowledge for illegal gain.

By definition, embezzlement is the "illegal transfer of money or property for personal use." The significant difference between embezzlement (employee theft) and other kinds of theft is that embezzled property is legally possessed or accessed by the person doing the embezzling; usually as part of the job responsibilities.

The Most Common Types of Embezzlement
<ul style="list-style-type: none"><li>• Credit card fraud</li><li>• False records (invoices or accounts) to conceal a theft</li><li>• Stealing small amounts of money or property over time</li><li>• Theft involving a large amount of money at once</li></ul>

### California Embezzlement by Theft Law

Under California Law, an employee fraud or embezzlement theft crime can be serious depending on the value of the property stolen and/or the criminal record of the defendant. An embezzlement crime may be charged as a misdemeanor or felony.

- Embezzlement charges can be filed for virtually any amount of money, no matter how small.
- An employer accusing you embezzlement can try to withhold your wages until your case is resolved.
- In most cases, an audit will be conducted to uncover the facts of the case.

## **Embezzlement Penalties**

Embezzlement sentencing can have life-changing consequences, including jail, prison, fines, counseling and restitution to the victim. The penalties will vary depending on many factors. For example:

- In most cases, first offenses involving less than \$400 are punishable by a small fine, community service, restitution and 3 years of informal probation.
- A second offense is a much more serious matter. It can be charged as Felony Theft (also called petty theft with a prior) and is punishable by a year in county jail or even 16 months to 3 years in state prison.
- When a person steals goods worth over \$400 or money exceeding \$400, it is a serious Grand Theft offense and can be charged as either a misdemeanor or a felony. With Grand Theft, you could be facing:
  - At least 16 months in state prison.
  - Probation or parole
  - Restitution (paying back victims for their loss)
  - Court-ordered counseling
  - Fines

(Note: The outcome of your criminal case will also depend on the defendant's prior criminal history.)

An embezzlement charge can also carry consequences regardless of the guilt or innocence of the defendant because accusations are embarrassing and can carry a lasting social stigma and limit future employment opportunities.

## **Embezzlement Defenses**

If you are charged with an embezzlement theft or fraud crime, you must speak to an experienced California criminal defense lawyer immediately so that he can properly evaluate your case. A skilled embezzlement attorney will discuss your rights and possible defenses.

Developing a defense strategy early on in the case is an important step prior to discussing settlement or going to trial.

## **You Need a Skilled California Criminal Defense Lawyer**

It is important to retain an attorney with experience in embezzlement cases in order to get an ideal result. There is no doubt that an attorney who is not as familiar with California embezzlement law may miss an important opportunity for dropped or reduced charges, or even acquittal ("not guilty"/case dismissed). In some cases an attorney can negotiate restitution (by way of a payment schedule) with the victim prior to formal criminal charges being filed.