

FELONY LAW

Felony Charge • Felony DUI • Felony Theft Punishment • Three Strikes Law

Felony Charges Are Serious

A California felony charge and conviction comes with life-changing consequences. At best, it could result in formal probation with little or no jail. At worst, it's punishable by a state prison term of 16 months or more or even life in prison.

Felonies include nonviolent crimes like petty theft (shoplifting) with a prior conviction, to more violent crimes such as domestic violence, assault with a deadly weapon, robbery, sex crimes and murder.

Types of felony cases include:

- White Collar: bribery, fraud, forgery, perjury (making false statements under oath), embezzlement, identity theft, computer crime
- Drug: possessing, manufacturing, distributing, possession with intent to sell
- Sex: sexual abuse, sexual assault, illegal possession of pornography, continuous sexual abuse of a child
- Violent and Serious: mayhem, murder or involuntary manslaughter, kidnapping, arson, grand theft involving a firearm, California felony DUI (driving under the influence, 4th time in 10 years)

California Three Strikes Law

While a felony conviction can be a disaster anywhere, the California Three Strikes Law is especially severe—making California the **worst state in which to face a felony conviction**.

California Penal Code section 667, the “**Three Strikes and You’re Out**” felony law, requires that repeat offenders face **increasingly elevated punishments**.

- If a defendant has one strike and is convicted of a second, a limit on good behavior sentence reductions is imposed.
- A previously convicted felon facing “second strike” sentencing automatically faces a doubled prison sentence—before sentencing is even read.
- If a defendant has two strikes and is convicted of a third, “Three Strikes” comes into full effect, and the accused is automatically sentenced for 25 years to life in prison without the possibility of parole.

Under California Penal Code section 666, (**Petty Theft with a Prior**), a person previously convicted of a theft-related crime faces California felony penalties if he/she commits another theft-related crime. This means that a “two strikes” defendant charged with a minor shoplifting misdemeanor will be upgraded to a felony charge—and 25 years to life in prison.

Felony Sentencing

In California, most felonies are punishable under the Determinate Sentencing laws. This means a judge may impose 1 of 3 prison terms: low, middle or high term. For instance, first degree burglary is punishable by the low term of 2 years, middle term of 4 years or upper term of 6 years.

Usually the judge chooses the middle term, but it depends on many factors, including the judge’s discretion, the crime’s seriousness, the defendant’s criminal history and other mitigating (less serious) or aggravating (more serious) factors.

- A mitigating factor might be whether the defendant played an active or passive role in the crime.
- An aggravating factor might be whether or not the defendant used a gun or a weapon during the crime.

Even the lightest felony conviction can ruin many aspects of everyday existence, limiting employment, housing opportunities, and quality of life for years to come. To secure the best possible outcome for your case, you must have a knowledgeable and experienced criminal defense attorney at your side.

California Wobblers

Under California law, some **misdemeanor crimes can be elevated to felonies**. These are known as “wobblers” and may include the following crimes:

- Assault
- Battery
- Domestic Violence
- Hit and Run
- Embezzlement
- Drug Offenses (Certain)
- Criminal Threats
- Fraud
- Vandalism
- Possession of Firearm

When expungement (clearing a criminal record) or sentencing hangs in the balance over the status of a wobbler, **legal representation is especially critical**.

The right attorney can **tip the justice scales in favor of a misdemeanor**, and **minimize the impact and punishment** of “wobbler” crimes.

An Experienced Criminal Defense Attorney is Critical

In 2003, 68% of adult California felony arrests resulted in conviction. With that number in mind, choosing the right criminal defense attorney can mean the difference between jail and freedom.

- It is possible to avoid jail completely and arrange for an alternative sentence. Your attorney can be the greatest single factor in determining the outcome of your felony conviction.

A felony expungement (clearing your record) is also possible when you have fulfilled the conditions of probation, not picked up another criminal case, and didn't serve a state prison sentence.