

# GRAND THEFT AUTO

## Felony • Auto Theft • GTA Vehicle Theft • Theft

**Grand theft auto is the taking, stealing or driving of someone's car with the intent to deprive them of it.**

In California, a grand theft auto charge requires that the stolen vehicle is worth more than \$400.

### California Law

Grand Theft Auto can be charged under two different laws:

- If Grand Theft Auto is charged under California Penal Code Section 487(d), it is always charged as a felony. As a felony, the sentencing range will be 16 months, 2 years or 3 years in a state prison. Besides jail, a conviction may also require parole of 3 years or formal probation.
- If, however, the Grand Theft Auto is charged under California Vehicle Code Section 10851 (Vehicle Theft) and there are no prior convictions, it can be charged as a misdemeanor with less of a penalty. Misdemeanor sentencing is up to a year in county jail and may involve 3 years of informal probation along with restitution, fines and community service.

If a person is convicted of more than one grand theft auto offense, the punishment/jail sentence increases under the California "Three Strikes Law."

### Grand Theft Auto Charge-Arrest

In order to be arrested for Grand Theft Auto, the police only need to have "**probable cause**" to believe you committed the crime. (Probable cause exists when **facts or circumstances** would lead a reasonable person to **suspect that a crime has been, is being, or will be committed.**)

The following elements of the crime must be proven by the prosecutor beyond a reasonable doubt:

- Driving or taking of a vehicle
- Vehicle wasn't owned by the accused
- Vehicle was taken without the owner's consent
- Vehicle was taken with the specific intent to deprive the owner of it
- Title or possession of the vehicle

## **Grand Theft Auto Defenses**

There are a number of defenses for Grand Theft Auto, including:

- **Owner consent:** a taking of the vehicle must be against the owner's will, and consent negates that element
- **No specific intent to deprive:** if the accused did NOT intend to keep the vehicle permanently, but rather only planned to keep the vehicle temporarily, then the accused did not act with the specific intent to deprive the owner permanently.

## **A Skilled Defense Attorney Can Make All the Difference**

Any Grand Theft Auto-related conviction can have far-reaching consequences, including denial of employment or professional licenses.

If you have been charged with or are under investigation for Grand Theft Auto, you have a right to talk with an attorney and you need strong representation.

For your protection, do not talk to anyone about your case, until you have spoken with a California criminal defense attorney. Call our office and arrange for a free consultation to discuss the specific facts of your case.