

THEFT CRIME DEFENSE

Defense for Grand Theft Charges • Petty Theft Identity Theft • Shoplifting • Larceny

Theft crimes include any of the following instances of stolen property:

- Auto Theft
- Burglary
- Embezzlement
- Extortion
- Fraud
- Grand Theft
- Identity Theft
- Larceny
- Petty Theft/Shoplifting
- Robbery
- Receiving Stolen Property

Examples of Theft Crimes:

Larceny

Larceny is the taking and carrying away the "tangible personal property of another by trespass with intent to permanently deprive the person of his interest in the property." Thus, real estate, services and other intangible "properties" cannot be objects of larceny.

Burglary

Burglary is illegally breaking into someone else's property with a plan or intention of stealing something from that property. The seriousness of the crime can depend on when and where the crime occurred, whether or not people were present when the crime was committed, and the use (or non-use) of a weapon.

Embezzlement

Embezzlement is a serious theft crime carried out by employees who are familiar with the business and exploit that knowledge for illegally taking money. The significant difference between embezzlement and other theft crimes is that embezzled property is legally possessed or accessed by the person doing the embezzling.

A Theft Charge Can Carry Severe Penalties.

In **California**, theft crime charges can range from a **minor shoplifting charge** (for stealing something valued **under \$400**) to **grand theft**, which can be charged as a **felony** and could require a **state prison sentence**.

There is **no such thing** as a **"simple" theft crime**. It all depends on the nature of the crime, including the value of the **property taken, any prior related theft convictions**, or other circumstances. For example, a **theft crime involving the Internet** crosses state lines and is therefore charged as a **federal crime** in addition to a **state crime**.

California Law—Petty Theft

In most cases, **first offenses** such as shoplifting are punishable by a **small fine** and **1 to 3 years of informal probation**. In some cases, a first offense can be **reduced to an infraction**, thus **eliminating any criminal record**.

A **second or third theft/shoplifting** offense is a **much more serious** matter because of the consequences. It can be charged as **Felony Petty Theft** (also called petty theft **with a prior**) and is punishable by a **year in county jail or even 16 months in state prison**.

California Law—Grand Theft

When a person **steals goods worth over \$400 or money exceeding \$400**, it is a **serious offense** and can be charged as **either a misdemeanor or a felony**.

With Grand Theft, you could be **facing any number of penalties**, including:

- County jail time **16 months in state prison**.
- Probation or parole
- Restitution (paying back victims for their loss)
- Court-ordered counseling
- Fines
- Community Service or CalTrans (freeway clean-up)

Avoid Theft Charges or Conviction

If you have been arrested or accused of a theft crime, it is important to retain an attorney with experience in theft cases in order to get a favorable result. There's no doubt that an attorney who is not as familiar with the nuances of various theft laws may miss an important opportunity for dropped or reduced charges, or even acquittal.

The Right Criminal Defense Lawyer Makes A Difference

If you're charged with a theft crime, you must speak with an experienced defense attorney right away so he can properly evaluate your case. Developing a defense strategy early on in the case is an important step prior to discussing settlement or going to trial.

Jerry Nicholson has successfully represented many people charged with theft crimes. He has been able to achieve some excellent results for his clients in cases that at first did not appear defensible. He understands how to prepare a strong defense for theft crimes, and he has the experience to negotiate the best results for your case!