

# WEAPONS CHARGES

## Guns • Firearms • Concealed Weapon

### Weapons Charges are Serious and Come with Jail Time

We represent people charged with the following **Gun and other Weapons Offenses**:

- **Possessing a Gun** (concealed, loaded or otherwise with no permit)
- **Possessing a Firearm by an Ex-Felon** (concealed, loaded or otherwise with no permit)
- **Possessing an Assault Weapon**
- **Possessing a Weapon** ((illegal weapons include knives, daggers, brass knuckles, nunchucks and other martial arts weapons)
- **Brandishing a Firearm**
- **Discharging a Firearm**
- **Selling a Firearm** (unlawful sale)
- **Using a Gun in Committing a Crime** (assault, robbery, drug offenses)

### California Gun Law

Gun/weapon charges are aggressively prosecuted in California. Most carry the prospect of **jail time (or state prison), expensive fines**, and a **criminal record** that may make it difficult to obtain employment and housing.

In general, a weapons offense is a **felony** under California law, but **possession** can be charged as a **misdemeanor** in some cases. The **penalties will vary** depending on a number of circumstances:

- The type of weapon involved
- What was being done with it
- If it was loaded and/or concealed
- The individual's criminal record, drug record or drug use at the time of arrest
- Any other factors that might affect the sentence

California uses a "**determinate**" **sentencing system** to offer **different levels of punishment** depending on the nature of the crime.

With a **felony weapons offense** and **sentenced to prison**, the judge will choose from **three prison terms**—"low-term," "mid-term," and "high-term." For example, for an assault with an assault weapon, the **low-term is four years** in prison, **mid-term is eight years** and **high-term is twelve years**. With **no criminal record**, the sentence would most likely be **four years**.

For a **misdemeanor** (such as carrying a concealed weapon with no prior convictions), the maximum allowable sentence is **a fine and up to one year in county jail**.

## **Defenses for Weapons Charges**

Many weapons arrests are **based on evidence** collected during searches, seizures and witness interrogations. If the **police illegally searched you**, your home or your car; or they **illegally obtained testimony against you**; a skilled attorney can get the evidence **thrown out of court** on **constitutional** grounds.

An experienced **California criminal defense attorney** also investigates if the gun or other weapon was used in:

- **Self-defense** or defending property,
- **Protecting yourself or someone** from a **life-threatening crime** (murder or rape), or
- **An accident** (lack of intent)

## **Talk to an Experienced California Criminal Lawyer**

If you've been arrested and charged with a weapons offense, you need an experienced California criminal defense attorney with a successful track record.

The Law Offices of Jerry Nicholson will focus on getting you the most favorable disposition using a variety of proven techniques and defenses, including:

- **Making all necessary court motions** including "motions to suppress evidence"
- **Interviewing all witnesses** connected to your case
- **Gathering evidence** in support of your defenses
- **Seeking a reduction of the charges**
- **Negotiating a favorable plea** (if necessary)
- **Preparing for trial**
- **Seeking alternative sentencing** such as **house arrest/electronic monitoring**, work furlough, weekends in jail, community service