

What to Do if You Are Falsely Accused of a Crime

Believe it or not, many people who are convicted of a crime and end up in prison were falsely accused. Although the American criminal justice system works in most cases, not all juries get things right, and the consequences can be tragic. An innocent party pays the price for something he or she did not do, while the guilty party roams free. The best way to avoid such an unjust result and ensure the proper outcome when faced with criminal accusations is to immediately seek counsel from the best criminal defense attorneys available. Skilled and knowledgeable defense lawyers know their way around the criminal justice system and can navigate through the complex procedures to ensure the fairest possible conclusion.

False-accusation Cases Involve the Same Procedures as All Criminal Cases

Being falsely accused of a crime often does not alter the way the case is handled. A defendant should never believe that because he or she is innocent and has nothing to hide, there is no need for legal representation. In fact, there is perhaps an even greater need for legal advocacy in the case of an individual who did not do what he or she is charged with doing. On the other hand, some falsely accused defendants will still negotiate a plea agreement with the prosecutor in order to avoid a trial and even the possibility of conviction and jail time. In certain cases, pleading guilty to a lesser offense may be the best option, even for innocent defendants, although this choice is always left to the accused himself or herself, and some defendants justifiably refuse to admit to doing anything they did not do. Experienced criminal defense attorneys are in the best position to explain the criminal justice system to their clients and to advise them on the best tactics in a particular case.

Wrongfully Accused Defendants May Have Recourse in the Civil Courts

If someone is falsely accused of a crime, pleads not guilty, and the charges are dismissed, he or she may be able to file suit against the person who brought the charges. For example, if a private citizen files a false criminal charge against another person, or falsely makes a complaint to a police officer that results in another's arrest, and if no conviction results, the accused may be able to sue the accuser for malicious prosecution. If a law enforcement officer was involved in bringing the false accusations, the accused may also have a claim for false imprisonment or for a civil rights violation, often called a Section 1983 action after the provision in the federal law creating that cause of action.

In a malicious prosecution case, the wrongfully accused plaintiff can recover his or her actual injuries, which include attorneys' fees to defend the underlying case in criminal court, the cost of any bail bond, lost wages, damages for embarrassment and humiliation, and damages for harm to his or her reputation. In some cases, punitive damages may also be awarded, above and beyond the actual damages suffered, in order to punish the person who raised the wrongful accusations and to discourage others from engaging in similar conduct.

To successfully maintain a malicious prosecution case, the plaintiff must show not only that the defendant is responsible for causing the criminal charges to be brought and that the charge was dismissed in criminal court, but also that the defendant had no reasonable basis on which to bring the charges in the first place. Generally that requires proof of lies or similar wrongful conduct. Simply showing that the charges were dropped or that a not-guilty verdict was reached is insufficient to show that the malicious prosecution defendant engaged in wrongful conduct, since in many cases the prosecuting attorney will dismiss a criminal case or juries will find a defendant not guilty based on insufficient evidence or the existence of a "reasonable doubt," even when they believe the accused actually committed the crime he or she was

charged with.

Conclusion

A person falsely accused of committing a crime faces many of the same challenges as a guilty criminal defendant and has the same, if not an even greater, need for competent legal counsel. If the charges are ultimately dismissed or a not-guilty verdict is reached, the person falsely accused may be able to turn back to the court for recourse. Importantly, however, before contemplating a civil suit the falsely accused individual must focus on defending against the criminal charges. In order to do so, he or she must turn to an experienced and knowledgeable criminal defense. When your life is on the line, experience counts.

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