

Misdemeanor Criminal Defense

Crimes that are regarded as less serious are referred to as misdemeanors. A misdemeanor usually is punishable by a fine, or by incarceration in a local jail for a period of less than one year. Prosecutors typically do not convene a grand jury to investigate or issue indictments for misdemeanor charges, although the same conduct may give rise to both felony and misdemeanor charges. Misdemeanors are usually charged by a written complaint, or "information." In some states, poor defendants are not entitled to a court-appointed attorney when charged only with a misdemeanor. The charges may be considered minor, but being accused of a misdemeanor--not to mention being convicted of one--can cause a major disruption in the life of an accused. As in any criminal case, it is essential that a defendant in a misdemeanor prosecution have zealous representation backing him or her up. A person accused of a misdemeanor should seek the help of an experienced criminal defense attorney.

Misdemeanors sometimes are handled in special courts that have streamlined procedures. For example, in some states, a defendant who wants a jury trial in a misdemeanor case will have to make a special request, and a fee. An experienced criminal defense attorney will be able to advise you on the procedures followed in your particular jurisdiction.

Misdemeanor Penalties

As a rule, the penalties and other consequences of a misdemeanor conviction are less severe than those of a felony conviction. Not only do the jail sentences imposed tend to be shorter, but the broader consequences are not as dramatic. Usually, a person who has a misdemeanor conviction on his or her record may still vote, serve on a jury, and practice his or her profession. Defense counsel may, in some cases, be able to "plead down" a felony to a misdemeanor, which will not only minimize the punishment imposed, but will lessen the consequences for the future.

Crimes May be Either Misdemeanors or Felonies

Depending upon the circumstances of the case, some crimes may be considered either felonies or misdemeanors. Serious felonies, for example, assault or sexual abuse, often refer to conduct that could be a misdemeanor. If an assault causes severe bodily injury, for example, it is often regarded as a felony. Simple assault that causes no lasting injury, however, is a misdemeanor. Similarly, while drug offenses usually are felonies, possession of a small amount of marijuana is a misdemeanor in many states.

Less serious offenses, such as traffic violations, are often prosecuted as misdemeanors, even though they may be felonies in some circumstances, or the most minor type of crime, infractions, in others. A traffic violation usually is an infraction if there was no collision, no one was hurt, and no property was damaged. The violation becomes a misdemeanor or a felony if someone is injured, or there was destruction of property.

Conclusion

Misdemeanors may not carry the same threat of severe punishment and life-long consequences as felonies, but a misdemeanor conviction can nonetheless be costly, in both financial and personal terms. If you, or someone you know,

are facing misdemeanor charges, you need to contact an experienced criminal defense attorneys without delay.

DISCLAIMER: This site and any information contained herein is intended for informational purposes only and should not be construed as legal advice. Seek competent legal counsel for advice on any legal matter.