

5 Defenses for Domestic Violence Accusations in Utah

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Across the U.S., couples have been spending so much time together and finances are tighter during COVID-19. The pandemic has been associated with a rise in domestic violence statistics. Domestic violence has, of course, long been a serious national problem. An associated problem is the large percentage of *false* allegations of domestic violence. Various factors sometimes lead to people being wrongly charged with domestic violence. If you find yourself in that situation, you will need the help of an experienced Utah domestic violence defense attorney.

Causes of False Domestic Violence Charges

False claims of domestic violence are not uncommon, unfortunately. There are various ways that false allegations of domestic violence can occur:

- A lack of understanding of the law regarding domestic violence
- An incomplete collection of the facts of the incident
- An intentionally false accusation to cause someone legal trouble
- Incorrect classification of the parties in terms of domestic relation
- Other factors that can lead to erroneous domestic violence charges

For people who have been inappropriately charged with a domestic violence act, it is essential to work with an experienced Utah criminal defense attorney, to get to the bottom of the situation and help ensure that you are not exposed to unnecessary legal consequences.

Domestic Violence Defenses in Utah

With any criminal charges, the defenses a person can use depend on the particular facts of the individual case. But, generally speaking, here are some of the possible defenses that might apply in a case of domestic violence charges in Utah:

The action was in defense of a family member or self-defense.

If you acted in self-defense, or if you were defending a member of your family, that is an acceptable defense against a charge of domestic violence in Utah. Such an action can be understood by the court as justifiable.

Even if you *did* physically attack a member of your family or your household, it is not illegal under certain circumstances. For example, if you were acting to save yourself or a family member from the risk of physical suffering or death from injuries due to abuse, your act was not a crime. This is common in domestic violence cases. Your [Salt Lake City, UT, criminal defense lawyer](#) will determine if this defense applies in your case.

The accusation of domestic violence is false.

When police officers come to the scene of a domestic violence call, they are typically obliged to arrest someone to protect the alleged victim. But, various possible outcomes can ultimately lead to a finding that the accused is not guilty:

- One or more witnesses may testify to what actually happened.
- You might be able to present the court with an alibi.
- The accuser might admit in a social post or text, etc., that he/she falsely accused you.
- Other evidence may clarify the events in question.

Your domestic violence lawyer can examine all the potential evidence from all possible sources to determine if there is a way to build a defense that can succeed against the charges you face.

The act did not fit the definition of domestic violence per Utah law.

Many issues can contribute to the conclusion that a not-guilty verdict is most appropriate in a case of alleged domestic violence. For just one example, to be guilty of domestic violence, requires that you have knowingly, intentionally, or recklessly caused bodily injury. If your action hurt someone in your family or household *accidentally*, then you are innocent of the charge of domestic violence.

There is not a domestic relationship between the accuser and the accused.

Only people with a domestic relationship that is recognized as such by the State of Utah in cases of domestic violence can be parties in such cases. For example, people who might become involved in domestic violence are limited to cohabitants, spouses, ex-spouses, and

certain others.

Therefore, if the act did not involve a member of the family of the accused or a household member, or another relationally qualified person, the action cannot be classed as a case of domestic violence.

So, you may be innocent of domestic violence charges if your relationship with the person accusing you of that crime does not fit one of the above descriptions. But, you may still be prosecuted for assault or some other violent crime. Discuss your situation with your lawyer to carefully assess your best alternatives.

The police violated your rights under the constitution.

In responding to reports of domestic violence, the police must handle the situation per the 4th, 5th, and 6th Amendments to the U.S. Constitution regarding the legal rights of the accused. If the police happen to violate one or more of your Constitutional rights, that can provide a defense in your domestic violence case.

Your lawyer may determine that you have grounds for filing a motion to suppress the evidence the prosecutor has against you due to a Constitutional rights issue. This may make it difficult for the prosecution to meet the threshold of proof that you are guilty beyond a reasonable doubt.

If You Are Falsely Accused Of Domestic Violence

If you have been charged with a crime of domestic violence in Utah, you need to talk with a Utah criminal defense attorney promptly. Your attorney will guide you through the criminal court process. An experienced lawyer will also ensure that all your legal rights are protected and that the best possible case is built and presented to the court for your defense.

The Top Defense Against Domestic Violence Charges

Our criminal defense lawyers in Salt Lake City, Utah go to work immediately to have charges dropped or reduced. We have fluent Spanish- and German-speaking attorneys. Ask about our military discounts and payment arrangements.

Call Wasatch Defense Lawyers, Salt Lake City, UT, at (801) 980-9965, or contact us online for a free confidential case review and discussion of your best options for an effective defense.