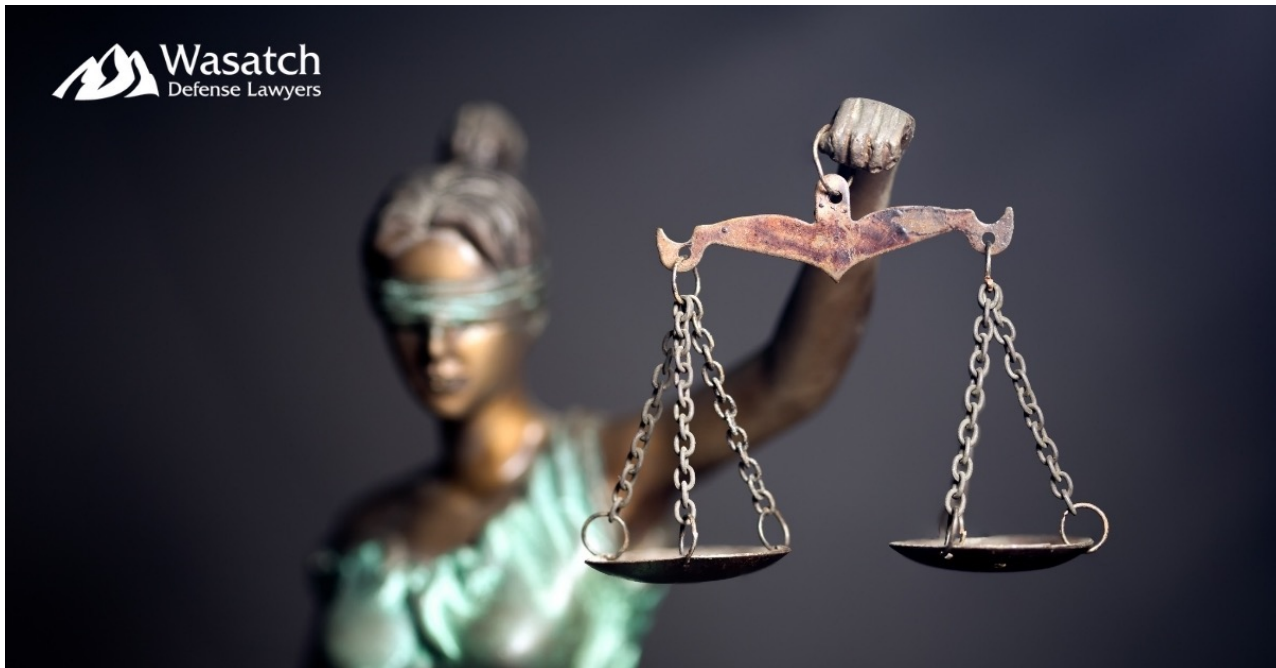


Looking for Love in the Wrong Places Can Land You in Prison

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Wherever a couple finds new love, they're sure to approach it with the very best intentions. Both people in the pair will strive to make their best impression on the other. They may live happily ever after. But, all too often, domestic relationships deteriorate. In some situations, one partner's bad behavior may cross the line to become illegal, for which criminal penalties may include prison time. If you find yourself accused of a domestic crime, you will need the best criminal defense attorney Utah has to offer.

Which Domestic Actions are Crimes Punishable with Prison Time?

The Utah state criminal code 77-36, that Cohabitant Abuse Procedures Ac, Section 1 (Effective 7/1/2020), includes a list of 26 domestic crimes. Most people are probably aware that the most physically injurious offenses listed in the statute are criminal offenses under the law. However, many people may not realize that some of the other acts listed below from the statute are also viewed as criminal offenses and are punishable by fines and potential imprisonment.

Under the Utah Code, domestic violence is defined as any criminal offense involving:

- - Domestic violence or physical harm
 - Threatening violence or physical harm
 - Attempting, or conspiring, or soliciting to commit a criminal offense that involves violence or physically harming one's cohabitant.

- Committing or attempting to commit one of these offenses against one's cohabitant (copied here as the list appears in Utah state criminal code 77-36-1):

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| <ul style="list-style-type: none"> • Aggravated assault • Aggravated cruelty to an animal, with the intent to harass or threaten the other cohabitant • Assault • Criminal homicide • Harassment • Electronic communication harassment • Kidnapping, child kidnapping, or aggravated kidnapping • Mayhem • Sexual offenses • Stalking • Unlawful detention or unlawful detention of a minor | <ul style="list-style-type: none"> • Violation of a protective order or ex parte protective order • Possession of a deadly weapon with criminal intent • Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle • Disorderly conduct Child abuse • Threatening use of a dangerous weapon • Threatening violence • Damage to or interruption of a communication device | <ul style="list-style-type: none"> • Tampering with a witness • Retaliation against a witness or victim • Unlawful distribution of an intimate image • Sexual battery • Voyeurism • Any offense against the property described in Title 76, Chapter 6, Part 1, Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6, Part 3, Robbery |
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In the section of Utah code 77-6 (2.1 – 2.3), the statute spells out the classes of domestic crimes within which each particular offense on the list is categorized under Utah law by its particular level of a misdemeanor or felony offense.

Based on the level of seriousness within which the domestic crime is classed and depending, in some cases, upon the defendant's prior record of domestic abuse convictions, the defendant may receive various levels of penalties, including prison time for acts ranked in the worst classes of crimes.

Increases of Sentences with Prison Time in the United States

If you are not clear about why you should focus on reducing your risk of prison time if you're charged with a domestic crime, you should be aware that court decisions sentencing people to prison time have skyrocketed in the United States. In the past few

decades, the combined state and federal prison population in the U.S. has expanded from around 350 to 900 inmates out of every 100,000 people in the country. That's a nearly 300% increase.

So, if you're going to trial, and you're facing the possibility of a criminal conviction and going to jail or prison, you need to take all the necessary steps that can help you receive a reduced sentence. Neither the court nor the prosecutor will try to have your sentence reduced for you. Only you and your lawyer have the responsibility to do all that can be done to try to get a lesser sentence for you.

Therefore, you should ensure that you work with the most knowledgeable criminal defense attorneys Utah has available in the legal area of domestic abuse.

How Can I Avoid Prison If I've Been Accused of a Domestic Crime?

Work closely with your Salt Lake City criminal defense lawyer, and follow these 8 critical steps prior to your trial, to increase your potential for a reduced sentence that doesn't include prison time:

Tell your lawyer all of the facts, even those that are bad for your case.

The only way your attorney can prepare the best possible strategy for your defense for you is if you fully disclose everything, including:

- *Your history with the alleged victim* — If your relationship with your ex domestic partner was turbulent, inform your lawyer of all details you can recall.
- *Your comments to authorities* — Tell your lawyer about any confessions or incriminating statements you've made to police, or prosecutors, or anyone else involved.
- *Your criminal record* — Be upfront about any past arrests or convictions.

Be an excellent citizen while awaiting your court date.

During the period while you're waiting for your trial, you need to comply with all court requirements and be very careful not to break any laws.

- Obey all court orders and laws, to avoid having any new charges brought against you.
- Notify your lawyer promptly if you violate any directive or law, to avoid worsening the problem.
- Do your best work at your job or school.
- Keep up with all your family responsibilities at home.
- If feasible, ask for recommendation letters from employers or friends with strong job titles.
- Do some regular volunteer work with a reputable organization.

Don't post comments related to your case on social pages.

Do not say anything negative about the alleged domestic crime victim, his or her family or friends, witnesses for the prosecution, or anything about prosecutors, police, or any person or institution remotely connected with your case. Giving in to the temptation to vent on your favorite social site gives prosecutors and police your own words to present against you at your criminal trial.

Give your lawyer names of all witnesses who can help your defense.

If you know about any witnesses who may be able to help your court case, tell your lawyer as much information as you can about how they can help and how to contact them.

- Do not attempt to contact any witness for the defense for comments about your case. Leave this and other legally sensitive tasks to your attorney.
- Prioritize avoiding any risk of being accused of witness tampering.

Do not hide, alter, or otherwise tamper with any kind of evidence.

Changing the availability or condition of evidence in any way can make you look guilty and complicate the strategy for defending you.

- Do not try to collect your own evidence for your defense.
- Do not have any contact of any kind with any *witnesses for the defense or for the prosecution*. If you find yourself in the vicinity of a witness, ideally, you should leave the area immediately.
- Immediately give any evidence you discover to your attorney.

Weigh your plea options with your attorney.

In some circumstances, your lawyer can get your case dismissed. In others, a proceedings or motion during the trial process can end the case before a plea becomes necessary. But, the outcome of a court trial depends on your history with the accuser, witnesses input, other evidence, and a number of other critical factors. Your attorney will help you determine if going to trial or trying to make a plea agreement is the best route for your case and avoiding jail time.

Collaborate with your attorney to help you decide on a jury or bench trial.

If you're facing a penalty of more than six months in jail or prison, you have the legal right to a jury trial. Or, you can choose to have a bench trial, in which a judge alone decides your guilt or innocence. Ask your attorney for advice on the potential benefits and detriments of each of these two alternatives, to help you decide which trial type may make the most sense in your case.

Weigh the Pros and Cons of Testifying.

You have the right under the Fifth Amendment to testify or not, according to your preference.

You need to consider both options carefully, with guidance from your lawyer, before deciding what is actually best for your interests. Some pros and cons of testifying for yourself include:

Pros

- Some jurors may assume you're guilty if you don't testify.
- Testifying ensures that your story and state of mind are entered as evidence.
- You can explain any questionable statements you may have made to the police.

Cons

- Even though the law does not require proving your innocence, some research indicates that some jurors think a defendant needs to do so.
- Some jurors may not believe anything you say.
- Prosecutors are experts at making defendants and their witnesses look bad while testifying.
- On cross-examination, prosecutors can highlight inconsistencies with prior statements.
- On cross-examination, prosecutors can introduce prior convictions into evidence.

Wasatch Defense Lawyers, Salt Lake City UT

We are criminal defense attorneys in Salt Lake City, Utah. Our team of experienced criminal trial lawyers immediately start working to get your charges reduced in your domestic criminal case and keep you from going to jail or prison, or to get the entire case dropped. Our aggressive method of managing criminal cases has proven to be a winning approach. (We speak fluent Spanish and German. Ask about our payment arrangements and military discounts.)

Call Wasatch Defense Lawyers, Salt Lake City, Utah at (801) 845-3241 for a free, confidential review of your case, or set your appointment online.