

**DEFENDING AGAINST
AN ARREST FOR
DOMESTIC VIOLENCE
AND OTHER CRIMES
OF VIOLENCE**



A BRIEF MESSAGE FROM DOMESTIC VIOLENCE AND VIOLENT CRIME DEFENSE ATTORNEY ERIC CRAWFORD:

Hello friend,

If you're reading this, you've probably been through the worst day of your life recently: being arrested in Northeast Georgia for a crime of violence or a domestic violence charge. Furthermore, the judge may have imposed conditions of bond which prevent you from reconciling with your loved one or even going back home to live.

Georgia's violent crime and domestic violence laws are tough and unforgiving. Georgia routinely chips away at the rights of an accused so as to be able to obtain a conviction for these types of crimes. A recent example is the elimination of the spousal privilege; that is, the State of Georgia can force your spouse to come into court and provide evidence that can lead to a conviction and a lifetime of consequences. A conviction for a violent crime or for domestic violence, even a misdemeanor grade offense, can permanently bar you from possessing firearms, even for self-defense or hunting!

For these reasons and many more explained in this book, it is important that you hire an experienced violent crime and domestic violence defense attorney immediately to protect your rights and begin building a winning defense. Many defenses are time-sensitive; if not investigated close in time to the arrest, the evidence may be lost forever.

If you hire me to represent you on your case, I will use my years of experience on both sides of the aisle as a former prosecutor and current defense attorney to help you get the best possible outcome based on the facts of your case. Every year since 2013 I have been named as one of the **Top 100 Criminal Defense Trial Lawyers in the State of Georgia**. As a member of the **National Association of Criminal Defense Lawyers**, the **Georgia Association of Criminal Defense Lawyers**, and both the **Gwinnett and Walton Bar Associations**, I have access to the most current training, case law, investigators, and experts, as well as a great reputation with the local judges, and will use this to help you. For a free consultation and case evaluation, call us or visit our websites today!

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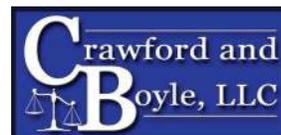


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BATTERY / SIMPLE BATTERY

Battery occurs when a person intentionally causes substantial physical harm or visible bodily harm to another. Battery is a misdemeanor offense punishable by up to 12 months in jail and a \$1,000.00 fine. Battery can, however, be a felony in two specific instances. The third conviction of battery against the same victim is punishable with up to five years imprisonment.

Family Violence Battery is a battery committed between past or present spouses, parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.* The first family violence battery conviction is a misdemeanor, but the second conviction is upgraded to a felony punishable with up to five years imprisonment.

**The “living or formerly living in the same household” provision captures many people who are not “family” including friends, girlfriends, roommates, etc.*

Simple Battery occurs when a person either intentionally makes physical contact of an insulting or provoking nature with the person of another, or intentionally causes physical harm to another. Simple battery is always punishable as a misdemeanor by up to 12 months in jail and a \$1,000.00 fine.

Simple battery typically consists of physical contact without injuries, such as slapping, pushing, or spitting.

AGGRAVATED BATTERY

Aggravated Battery occurs when an individual maliciously causes bodily harm to another by depriving him or her of a member of his or her body, by rendering a member of his or her body useless, or by seriously disfiguring his or her body or a member thereof. Let's have a look at what these terms actually mean:

“Depriving him or her of a member of his or her body”: This can refer to separation of the member from the body, as in dismemberment, amputation, or removal, or it may refer to the loss of use of the member. *Examples: cutting off a finger, severing a shoulder muscle, breaking an arm.*

“Rendering a member of his or her body useless”: There is some overlap here with the previous definition, but any portion of the body which is temporarily or permanently rendered useless. *Examples: broken jaw requiring mouth sewn shut, gunshot to spine resulting in partial paralysis, breaking an arm.*

“Seriously disfiguring his or her body or a member thereof”: Any serious disfigurement, either temporary or permanent, is sufficient for this; it must, however, be more serious than a battery. *Examples: scars, burns, extensive bruising, severe lacerations, or any injuries requiring stitches or staples to fix.*

Aggravated Battery is a felony offense punishable with up to 20 years imprisonment and a fine.

SIMPLE ASSAULT

Simple Assault occurs when a person either attempts to commit a violent injury to the person of another or commits an act which places another in reasonable apprehension of immediately receiving a violent injury.

Under Georgia law, the offense of simple assault is complete if the assailant has made such a demonstration of violence, coupled with an apparent ability to inflict injury so as to cause the person against whom it is directed reasonably to fear the injury unless he retreats to secure his safety. However, the victim is not required to actually retreat.

An example of attempting to commit a violent injury would be to swing a fist at someone but miss (if contact is made it would be a battery or simple battery) or to throw an object at someone to attempt to hurt them. This portion of the statute looks toward the intent of the aggressor.

An example of committing an act that would reasonably place another in reasonable apprehension of immediately receiving a violent injury could also be an object thrown at someone who believed the object would hit and hurt them. This portion of the statute, however, looks toward the apprehension of the purported victim and not the intent of the aggressor.

There is no requirement of physical injury to the victim for a conviction for a simple assault. Assault, as defined above, is an element of aggravated assault (see next page).

AGGRAVATED ASSAULT

Aggravated Assault is committed when a person commits an assault (see previous page) either:

- ① with the intent to murder, rape, or rob; or
- ② with a deadly weapon or object, instrument, or device that can or does result in serious bodily harm; or
- ③ by shooting a firearm from a motor vehicle toward a person or persons.

Aggravated Assault is a felony generally punishable by up to twenty years imprisonment and a fine.

Like simple assault, no actual injury is required.

A deadly weapon typically means a firearm or knife, however almost anything can be classified as an object, device, or instrument which can or does result in serious bodily harm depending on its use. For example, an automobile, when used as an offensive weapon, can result in serious bodily injury. So may a baseball bat, any solid object such as a lamp or ceramic statue, one's hands or feet, or even a dog.

It is important to note that the use of a firearm counts as a deadly weapon, even if the firearm is unloaded or incapable of being fired. The mere possession of a firearm while making threats can be enough to support an aggravated assault conviction, even if the weapon was never fired at the other individual. Even a toy gun may be the basis of an aggravated assault if the victim reasonably believed that the gun was real.

AGGRAVATED STALKING

The offense of **Aggravated Stalking** is committed if a person who is subject to a temporary protective order (TPO), condition of bond, or other court order prohibiting contact, follows, places under surveillance, or contacts the person protected by the court order without consent and for the purpose of harassing and intimidating that other person.

Aggravated stalking is a felony punishable by up to ten years imprisonment and a fine of up to \$10,000. Additionally, a court has the power to order the accused to undergo a psychological evaluation and follow any recommended plan of treatment, and the court is authorized to issue a permanent restraining order against the accused.

Additionally, a single violation of a protective order, by itself, does not amount to aggravated stalking. The “harassing and intimidating” conduct must be established by a “pattern of harassing and intimidating behavior” and a single violation of a protective order cannot establish that pattern. **State v. Burke** (2010).

An additional consideration for an aggravated stalking charge is that only a Superior Court judge may set bond in an aggravated stalking case; a magistrate judge is prohibited by law from setting a bond on an aggravated stalking charge. This can mean a significant amount of time in jail for the accused while awaiting a court date with a Superior Court judge to consider setting bond in a case such as this.

VIOLATION OF A TPO

A **Violation of a Temporary Protective Order (TPO)** occurs when a person knowingly and in a nonviolent manner violates the terms of a family violence temporary restraining order, temporary protective order, permanent restraining order, or permanent protective order.

A Violation of a TPO charge is different from an Aggravated Stalking charge in four main ways. First, a single violation is enough to trigger a Violation of a TPO charge, whereas Aggravated Stalking requires a pattern of conduct.

Second, Violation of a TPO applies to a much more narrow number of court orders than does an Aggravated Stalking charge. While Violation of a TPO only applies to restraining orders and protective orders, Aggravated Stalking charges may arise from those orders plus bond conditions, sentence conditions, probation conditions, parole conditions, good behavior bonds, etc.

Third, a bond can be set on a Violation of a TPO charge by a magistrate judge. That's not to say that bond will be set, because this type of charge implies a lack of compliance with court orders which may give some judges pause in setting bond.

Finally, a Violation of a TPO charge is a misdemeanor offense punishable by up to 12 months confinement and a fine.

TERRORISTIC THREATS

The offense of **Terroristic Threats** is committed when an individual threatens to commit any crime of violence. The law requires that the threat itself be corroborated, meaning that there must be some evidence of the offense in addition to the victim's statement alone in order to convict. Corroboration can come from the accused admitting to making the statement, from the statement being recorded (such as on a voicemail or being made through e-mail or text messaging), or by the statement being overheard by a third party.

The offense of terroristic threats is a misdemeanor punishable by up to 12 months confinement and a \$1,000 fine; however, if the threat was of murder, the offense is a felony punishable by up to five years imprisonment and a \$5,000 fine.

If the terroristic threat is made to retaliate against someone for being involved in the court process (i.e. a judge, prosecutor, witness, or snitch), the penalty is raised so that the minimum punishment is five years with a maximum punishment of ten years imprisonment and a minimum fine of \$50,000.00.

INTERFERENCE WITH A 911 CALL

The offense of **Interference with a 911 Call** (otherwise known as “Interfering with Calls for Emergency Assistance”) is committed by any person who verbally or physically obstructs, prevents, or hinders another person from making or completing a 9-1-1 telephone call or a call to any law enforcement agency to request police protection or to report the commission of a crime. This offense must be committed with the “intent to cause or allow physical harm or injury to another person.”

Interference with a 911 Call is a misdemeanor punishable by up to 12 months confinement and up to a \$1,000 fine.

This offense is typically committed when, during an argument or fight, the accused cuts a phone cord, rips a phone cord from the wall, hangs up a phone during a 911 call, or takes or keeps a cell phone to prevent 911 from being dialed.

Note, however, that this offense can be committed by “physically” committing the offense or “verbally” committing the offense. Thus, by simply saying “hang up the phone” or “don’t call the police,” one could possibly be arrested for this misdemeanor offense.

This charge is often taken in situations when a neighbor calls 911 and the police arrive to find a cut cord to a landline or the cord ripped from the wall, or a broken cell phone.

CRUELTY TO CHILDREN

The charge of **Cruelty to Children** has three degrees:

Cruelty to Children in the First Degree occurs when a person maliciously causes a child under the age of 18 cruel or excessive physical or mental pain. This offense is punishable by up to 20 years imprisonment.

Cruelty to Children in the Second Degree occurs when a person with criminal negligence causes a child under the age of 18 cruel or excessive physical or mental pain. This offense is punishable by up to ten years imprisonment.

The difference between First and Second Degree is that First Degree requires malicious intent (i.e. whipping a child excessively with an extension cord), while Second Degree requires negligence or the failure to exercise reasonable care (i.e. accidentally leaving a child in a bath with water that is too hot, resulting in burns.)

Cruelty to Children in the Third Degree occurs when a person who is a primary aggressor and commits a forcible felony, battery, or family violence battery, either intentionally allows a child under the age of 18 to witness the act or has knowledge that a child under the age of 18 is present and can see or hear the act. This is a misdemeanor offense punishable by up to 12 months imprisonment, except for a third or subsequent offense which is a felony punishable by up to three years imprisonment and a fine between \$1,000 and \$5,000.

CONDITIONS OF BOND

If an individual is arrested for violent crimes or domestic violence directed against an individual, it is standard procedure for the magistrate or other judge setting a bond in the case to impose “conditions of bond” or “conditions of pre-trial release.”

The most standard condition of bond in these types of cases is what is known as a “no contact” provision. That is, the accused is to have no contact whatsoever with the alleged victim, either in person, by phone, by mail or e-mail, by third party, etc. The judge typically imposes this condition whether or not the alleged victim wants to have contact with the accused.

These conditions of bond can wreak havoc on an individual’s life and can further strain an already troubled relationship. For example, if a man is arrested for domestic violence and granted bond with a “no contact” provision, he cannot go back home and live with his wife. He cannot call his wife to tell her which bills need to be paid and when. He cannot text his wife to tell his child happy birthday for him.

Even worse, if any of the bond conditions are violated, depending on the severity of the violation one of two things can happen: the bond can be revoked and the accused goes back to jail, or a warrant for aggravated stalking may be obtained. An attorney can help modify a “no contact” condition to a “no violent contact,” but that usually takes time.

COLLATERAL CONSEQUENCES

Collateral consequences are problems that can result from a conviction for a violent offense or a domestic violence crime. Below is a list of common consequences:

Future Criminal Liability - many violent crimes have increased penalties for a second or subsequent offense; for example, a first conviction for family violence battery is a misdemeanor while the second is a felony.

Possession of Firearms - most people know that a felony conviction will prevent one from owning or possessing firearms, but few know that a domestic violence conviction (even for a misdemeanor offense) can also prevent the possession of firearms and lead to federal charges if caught with a firearm.

Employment - certain professions such as child care, foster care, teaching, and healthcare may prohibit anyone with a violent conviction from working in those professions. If the conviction results in the loss of gun rights as explained above, it may further limit one from working as a security guard, police officer, etc.

Public Benefits - a conviction may lead to eviction from public housing or stop the accused from renting from a private landlord who runs a background check. Defendants incarcerated for more than 30 days lose their ability to collect old age benefits, survivor benefits, or disability benefits while in custody, and felony parole or probation warrants can end TANF and SSI benefits.

SPOUSAL PRIVILEGES

Prior to January 1, 2013, a spouse could invoke “marital privilege” and refuse to testify against his or her spouse at a criminal trial of the case. However, the Georgia Legislature has modified the marital privilege to not extend to crimes where the crime is against a spouse or a child. This means that in most domestic violence cases the prosecutor can and will call the spouse to testify at trial.

The practical effect of this law is to allow prosecutors to introduce the statement that the spouse gave to law enforcement officers shortly after the incident occurred.

Example: Police are called to a house and wife tells them “my husband punched me in the face.” Husband is arrested, but prior to trial he and wife reconcile and patch up their marriage.

The case proceeds to trial. The prosecutor can call the wife as a witness to testify against her husband. She could get up on the stand and say “nothing happened,” but then the prosecutor would be able to tell the jury about what she said when police initially responded. Additionally, the wife may be subject to contempt of court or false statement charges.

If the wife ignores the subpoena to come to court or avoids service of the subpoena, the state may secure a material witness warrant and arrest the wife and hold her in custody until she can testify.

POSSIBLE DEFENSES

Because violent crimes and domestic violence cases span a number of crimes and are complex areas of law, there are many different potential defenses available based on the specific circumstances of your case. On these two pages are some of the most common defenses utilized in these types of cases, but these are certainly not all of the potential defenses. If you think that any of these defenses apply in your case, contact a qualified and experienced lawyer now:

Self-Defense - one of the most common defenses to charges of domestic violence or other violent crimes is that of self-defense. If the alleged offender used force against another person because they reasonably believed that person was about to cause them bodily injury or death, then self-defense might be a viable option. Self-defense claims are most often decided before trial by the filing of a “Motion for Immunity from Prosecution,” which requires the judge to hold a pre-trial hearing to consider whether a valid self-defense claim prevents the State from further prosecution.

Defense of Others - similar to self-defense, you are allowed to use force to defend others against the use of unlawful force. If you reasonably believed that someone was about to cause bodily injury or death to a third individual, then you are allowed to use force to defend that third individual. Like with self-defense, a defense of others claim should be decided prior to jury trial.

False Allegations - it is not uncommon for someone to lie to the police to get another individual arrested, whether out of spite or malice, or simply to prevent themselves from being arrested as the instigator. In many situations, the person who makes the 911 call first is considered the “victim” and the person who did not call 911 is considered the “aggressor.” In other cases, police show up and tell both individuals involved “it’s family violence, someone’s going to jail.”

Alibi - if you were somewhere else when the incident supposedly occurred, your attorney can present that information to the prosecutor, judge, or jury to try to get the case thrown out. If you present an alibi defense, the prosecutor must come up with additional information to either tie you to the crime or disprove your alibi.

Cross-Warrants - in some cases, the police officers take what are known as “cross-warrants,” that is they arrested both parties involved without determining who was the aggressor and who was the victim. The basic argument to the prosecutor and jury is that if the police couldn’t determine who was the aggressor and who was the victim on-scene, how are they supposed to do it after the fact? Additionally, each person arrested can assert a constitutional right not to testify, which leaves the prosecution without a victim in the case. When both parties invoke those constitutional rights, the prosecutors are frequently required to dismiss both cases.

FREQUENTLY ASKED QUESTIONS



Q. The officer didn't read me my rights - will that help my case?

A. Possibly, but it depends on the specific facts and circumstances of your case. As a general rule, officers are only required to read you your rights prior to a custodial interrogation, which means that you are under arrest and being questioned by the police. These issues are highly fact-specific, and your attorney should be able to tell you whether or not you have a legitimate issue. If your attorney finds you should have been read your Miranda rights, then he may file what is known as a *Jackson-Denno* motion to keep out any incriminating evidence resulting from the failure of the police to read you your rights.

Q. The officer never asked for my side of the story; can he just take the word of the other party by itself?

A. Police officers investigating a crime are not required to talk to all parties involved. It certainly is a good idea and good practice for them to do so, and failure to do so opens them up to a brutal cross-examination regarding their failure to properly investigate the case. Nonetheless, if the police ask to speak with you, we always recommend saying "no" unless you have consulted an attorney first. You certainly do not want to make any incriminating admissions that can later be used against you in court.

Q. My wife was the supposed “victim” but we have since reconciled; does she still have to testify in court?

A. Under the recent amendments to the Georgia Evidence Code, the prosecution can call your spouse to testify against you *even against her will*. As court cases don't typically go to trial for months or even years, this can put undue strain on relationships and cause additional trouble between all persons involved.

Q. Should I get in a treatment program before I go to court, or will that hurt my case?

A. Talk with your attorney, but you need to do what's right for you. If you're ready and willing to enter treatment or counseling, do it while you're motivated to fix your life and relationship. Completing a Family Violence Intervention Program in advance can possibly cut down the amount of time you spend on probation or may lead to early termination of a pre-trial diversion program if your attorney is able to convince the prosecutor to allow you to participate in it.

Q. Should I hire an attorney to represent me in court?

A. Absolutely. Domestic violence and violent crime charges are serious offenses with lifetime consequences. An attorney who knows the ins and outs of the system can find the best defenses for your case, fight for you, and mitigate the long-term damage. If you cannot afford an attorney, find a way to afford one by taking out a loan or borrowing from friends and family. There are bad public defenders, and there are good ones that are simply overworked. You need an attorney who is focused on your case, not 200 other cases. With your future at stake, why would you risk anything but the best by your side?

- Q. My bond conditions are for “no contact” with the victim, but she invited me to move back in the house or to come over; is that ok?**
- A.** No. You were ordered by the judge, not by the victim, to stay away. In many situations the purported victim uses this as a measure of control over you, knowing that with one phone call she can put you back in jail at any time. Consent is not a defense to a bond revocation proceeding, and if the DA finds out you’re back together your bond may be revoked, or worse, if there is another fight you might get a felony aggravated stalking charge.

COURT PROCESS AND PROCEDURE



The criminal court process can be intimidating and overwhelming, especially if you've never had to deal with it before. Even if you have seen courts in action, every judge runs his or her courtroom differently. This is a general guide of what to expect when you walk into the courtroom. Do not bring a cell phone, do not chew gum, and when asked a question by the judge or other court personnel always be respectful.

Individuals who cannot post a bond or who have no bond set will usually have two court hearings while in confinement. At a **preliminary hearing**, the judge determines if there is enough evidence to continue to hold the accused. At a **bond hearing**, a judge can set bond or may lower the amount to something the accused can make.

The first court date that everyone has, whether in or out of custody, is an **arraignment**. This is the first chance to answer the charges in front of a judge by either pleading guilty or not guilty. If you plead guilty, you are usually sentenced on the spot; if you plead not guilty, more court dates await.

The arraignment starts the process known as **discovery**, where you can obtain all evidence in your case including police reports, videos, and witness statements. If **motions** need to be filed in your case based on the particular facts, those typically need to be done within 10 days of arraignment. If you file a motion, it will be heard by the judge at one of three times: on a special motion hearing date, on the pre-trial conference date, or at the trial of your case.

The purpose of the **pre-trial conference, status conference,** or **calendar call** is to give you one last opportunity to address outstanding matters with the judge prior to trial. This is typically also the last time that the judge will accept a negotiated plea.

If you choose to have a **jury trial** in your case, it will be heard by six jurors (for a misdemeanor case) or twelve jurors (for a felony case). The general order of a jury trial is: jury selection, opening statements (where each side can outline its case to the jury), State's presentation of evidence, Defense presentation of evidence, closing arguments, jury instructions (the jury is instructed about the applicable law by the judge), and jury deliberations. A **bench trial**, which is a trial in front of a judge instead of a jury, is a similar but streamlined process without jury selections or instructions.

There are several standard types of pleas that can be entered in a case. A **guilty plea** means that you waive or give up all of your rights, including a jury trial, and admit to violating the law. A **nolo or "no contest" plea** means that you don't admit to any wrongdoing, you simply submit yourself to the court's sentencing power. An **"Alford"** plea is where you are pleading guilty without admitting guilt; in essence, you are telling the court "I am not guilty of these charges, however after reviewing the evidence in the case I believe a jury could or would find me guilty, so I would like to take advantage of the plea deal offered by the State."

A **first offender plea** is available to individuals who have not previously been convicted of a felony and who have not previously used first offender treatment. In a first offender plea, the judge withholds adjudication, that is, he does not pronounce you guilty. Instead, he waits to see if you successfully complete your sentence. If you are successful, then the offense is discharged and you can have it removed from your criminal history. If you do not complete your sentence but instead get a new offense or fail to abide by the terms of your sentence, you can be adjudicated guilty and re-sentenced up to the maximum allowed by law.

THE TPO PROCESS

Legal Criteria for Obtaining a TPO:

Georgia law states, “Upon the filing of a verified petition in which the petitioner alleges with specific facts that probable cause exists to establish that family violence has occurred in the past and may occur in the future, the court may order such temporary relief ex parte as it deems necessary to protect the petitioner or a minor of the household from violence.”

What constitutes “family violence”?

Georgia law defines “family violence” as the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: (1) any felony; or (2) commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

What constitutes “stalking”?

Georgia law states, “A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person.”

NOTE: It is not necessary for the parties to have lived together to obtain a TPO for stalking.

What is a Temporary Protective Order?

A TPO is a civil order issued by a Superior Court Judge for the protection of victims of Family Violence or Stalking.

Who is eligible to apply for a TPO?

Before an application for a TPO can be made, an act of family violence or stalking must have occurred. The following parties are eligible to apply: spouses (past or present), parents of the same children, parents and stepchildren, stepparents and stepchildren, foster parents and foster children, persons living or formerly living in the same household, and stalking victims even if one of the above relationships does not exist.

Where does the TPO apply?

Pursuant to O.C.G.A. 19-13-4 "A protective order issued shall apply and shall be effective throughout this state." However, the Full Faith and Credit Provision on the Violence Against Women Act requires other states and Indian tribes to enforce valid protection orders issued by other states or Indian tribes.

What happens next if a TPO is issued?

After the responding party has been served with a copy of the TPO by the Sheriff's Department, a hearing will be held within the next 30 days. Both parties will have the opportunity to be present at the hearing where a Superior Court Judge will determine based on evidence presented whether or not the TPO will continue to be in effect for up to 12 months.

What can a Temporary Protective Order do? It can:

- 1.** Direct a party to refrain from family violence acts.
- 2.** Grant a spouse possession of the residence or household of the parties and exclude the other spouse.
- 3.** Require a party to provide suitable alternate housing for a spouse and his/her children.
- 4.** Award temporary custody of minor children and establish temporary visitation rights.
- 5.** Order the eviction of a party from the residence and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent's eviction has not been ordered.
- 6.** Order either party to make spousal support payments.
- 7.** Order either party to make child support payments.
- 8.** Provide for possession of personal property (i.e. cars).
- 9.** Order a party to refrain from harassing, interfering with, or contacting the other.
- 10.** Award costs and attorney's fees to either party.
- 11.** Order either or all parties to receive appropriate psychiatric or psychological services as further measure to prevent the recurrence of family violence.

IF YOU'RE SERVED WITH A TPO, HIRE AN ATTORNEY.

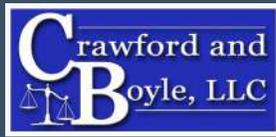
SENTENCE CONDITIONS

If convicted of a crime of violence or a domestic violence offense, there are a number of common conditions that judges impose in a sentence:

Family Violence Intervention Program: this is a special anger management course for those convicted of domestic violence. The course lasts for a total of 24 weeks and meets once per week. The courses are certified by the State and have to follow certain guidelines. There is a charge for each class attended, averaging about \$25 per class but with a maximum cost per class (by law) of \$50. Thus, the cost for the entire session of the class is between \$600-\$1,200. More information on FVIP classes can be found at www.gcfv.org.

No contact / No violent contact orders: as a part of any sentence involving a crime of violence or domestic violence, the judge can order the accused to have “no contact” with the victim or “no violent contact” with the victim. If these rules are violated, any probation or parole associated with the sentence can be revoked, in addition to the possibility of facing new aggravated stalking charges (depending on the situation).

Community service: many judges require community service to be done as part of a violent crimes or domestic violence sentence. Community service may typically be done at any non-profit or governmental organization.



PARTNER PROFILES



ERIC C. CRAWFORD

Eric graduated from the University of Georgia with a triple-major in criminal justice, political science, and sociology prior to graduating *cum laude* from the UGA School of Law. Eric was a civilian law clerk for the U.S. Air Force Court of Criminal Appeals in Washington, D.C. while in law school. Eric was an Assistant District Attorney in Walton County, prosecuting felonies and misdemeanors from rape and murder to moving violations. One of Eric's cases was featured on the popular Investigation Discovery Channel, and Eric was quoted nationally in USA Today, Fox News, CBS News, and other national media for his role in the deadly Joseph Pallipurath church shooting investigation. Additionally, Eric was recently named one of the Top 100 Trial Lawyers in the state of Georgia in the area of criminal defense.

MEMBERSHIPS:

- Walton Bar Association - Board of Directors, Past President
- Gwinnett County Bar Association
- Georgia Association of Criminal Defense Lawyers
- National College for DUI Defense
- Georgia Better Business Bureau
- National Association of Criminal Defense Lawyers

COURTS IN WHICH ADMITTED TO PRACTICE:

- Supreme Court of the United States
- Georgia Supreme Court
- Georgia Court of Appeals
- All Georgia Superior Courts
- All Georgia State Courts
- All Georgia Probate & Magistrate Courts
- All Georgia Recorders & Municipal Courts
- U.S. Court of Appeals (11th Circuit)
- U.S. District Court (Northern District - Georgia)
- U.S. District Court (Middle District - Georgia)



DAVID BOYLE

David received his undergraduate degree from Florida State University, then graduated from Emory Law School in 1997. He began his legal career as a law clerk for the Honorable Melodie Clayton in the Cobb County State Court. David has worked for the Gwinnett County Solicitor's Office in the Domestic Violence Unit, in the DeKalb County District Attorney's Office where he prosecuted serious violent felony cases, and as a supervisor in the Walton County District Attorney's office. David's work has been featured on two separate television shows on the Investigation Discovery channel. David has lectured to law enforcement officers and has taught other prosecutors as well.

MEMBERSHIPS:

- Walton Bar Association - Past President and Past Secretary
- Gwinnett County Bar Association
- Georgia Association of Criminal Defense Lawyers
- National Association of Criminal Defense Lawyers
- Walton County Chamber of Commerce
- Georgia Better Business Bureau

COURTS IN WHICH ADMITTED TO PRACTICE:

- Supreme Court of the United States
- Georgia Supreme Court
- Georgia Court of Appeals
- All Georgia Superior Courts
- All Georgia State Courts
- All Georgia Probate Courts
- All Georgia Magistrate Courts
- All Georgia Recorders Courts
- All Georgia Municipal Courts
- U.S. District Court (Northern District - Georgia)