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New Jersey Criminal Defense Fact Guide

By Steven W. Hernandez

Criminal charges are those brought by the state against anyone who has committed a crime. In New Jersey criminal offenses include DWI (drunk driving), drug crimes, assault and shoplifting. While these charges are vastly different, they can be punished, like all criminal offenses, by fines, probation and even time behind bars.

DWI

You can be charged with DWI or driving while intoxicated if you are found to have a blood alcohol concentration of .08 or higher. That BAC threshold is lower if you are a CDL holder or if you are under the age of 21. Penalties for DWI conviction range from fines and the installation of an ignition interlock device to jail time and license suspension.

Although DWI is commonly charged in New Jersey, it is a serious offense that requires a serious defense. The good news is that there are many potential defense strategies that may be available in your case. An experienced DWI defense attorney will examine every aspect of your case, including the initial stop, the analysis of field sobriety tests and even the way a blood or breath test was administered.

Drugs

Crimes involving illegal, prescription and illicit drugs are some of the most aggressively prosecuted in New Jersey. Offenses such as possession, trafficking and manufacturing can be charged as misdemeanors or felonies, depending on the type of drug and the specifics of the case.

Your best defense when it comes to drug charges is to secure the assistance of an experienced defense attorney as soon as possible. These cases can be complicated and the outcome can wreak havoc on your future if you do not obtain the right attorney to help minimize the effects of the charge on your life.

Assault

Assault is the act of causing bodily injury to another person without any legal justification. There are two forms: simple, which is considered a disorderly persons offense; and aggravated assault, which often includes a deadly weapon and extreme disregard for someone else's life.

Assault can be charged as a misdemeanor or a felony, with punishments that can include a prison sentence and fines of up to \$150,000, depending on the severity of the offense.

Once your attorney has an opportunity to review the facts of your case, he or she will decide on the best course of action. Perhaps you were acting in self-defense or you were entrapped into assaulting the alleged victim. Again, no matter how serious the charge, you are innocent until proven guilty.

Shoplifting

Shoplifting is not paying all or part of the price of an item. In New Jersey, shoplifting is prosecuted based on the value of the stolen item or items. Shoplifting anything greater than \$75,000 is a second degree offense; taking items valued between \$500 and \$75,000 is a third degree offense; and shoplifting items valued between \$200 and \$500 is a fourth degree offense. First offenders who steal less than \$200 worth of merchandise will serve no more than 10 days in jail.

A shoplifting conviction can be very costly. Penalties in New Jersey include fines, jail time, community service and monetary restoration of court costs and the value of the stolen item(s).

First offenders may be eligible for a pre-trial diversion program. In many other instances, it may be possible for your attorney to achieve a favorable plea bargain with the prosecutor.

Expungement

Expungement is the removal of a criminal charge or conviction from your record. It is important to understand that not all charges and convictions can be expunged in New Jersey. There are many factors that the court takes into consideration when considering whether or not your offense is eligible for expungement.

If you have been charged with or convicted of a crime, contact an experienced defense attorney right away to discuss your options for expungement.

Defense Against Your Charges

No matter what you have been charged with, it is important to remember that you are innocent until proven guilty. You have rights that deserve to be protected. When you work with the Hernandez Law Firm, an experienced defense attorney will work to defend your rights at every step of your case.