



The Law Offices of
Joel Silberman, LLC

Domestic Violence Charges

Disclaimer: The contents of this presentation are general in nature. Please use your discretion while following them. The author does not guarantee legal validity of the tips contained herein.

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- Domestic violence is defined as an action taken by one partner in a relationship to control or hurt the other.
- Family courts and criminal courts have concurrent rules over "family offenses" such as assault, sexual misconduct or abuse, stalking, menacing, and strangulation.
- Therefore, if one performs such an act, he is liable for domestic violence charge against him.



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Examples of Domestic Violence

- Beatings or physical attacks such as kicking, slapping, punching or hair pulling.
- Threats that make the other fear serious injury, including injury to children.
- Threats that cause fear.



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Examples of Domestic Violence

- Involuntary sexual contact or rape under threats.
- Damage to personal property;
- Forced entry into home, with or without a weapon;
- Threats with a weapon such as a gun or knife;
- Repeated verbal degradation and attacks.



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Domestic Violence Penalties and Sentences

- First-degree assault will impose a sentence of 5 to 25 years in prison or a fine of up to \$5,000.
- First-degree strangulation will result in imprisonment of 3.5 to 15 years or a similar fine of up to \$5,000.
- Third-degree assault and second-degree threatening are class A misdemeanors, and thereby punishable by imprisonment of less than one year or a fine of up to \$1,000.



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Domestic Violence Laws

- Procedures for Family Offense Proceedings (Family Court Act Section 812)
- Assault Offenses (Penal Code Sections 120.00-120.12)
- Menacing Offenses (Penal Code Sections 120.13-120.15)
- Stalking Offenses (Penal Code Sections 120.45-120.60)
- Strangulation and Related Offenses (Penal Code Sections 121.11-121.14)



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Domestic Violence Defense Attorney

- If you have been arrested and charged with domestic violence, [contact](#) a **domestic violence defense attorney**.
- **The Law Office of Joel Silberman** will study your case and fight vigorously for you.



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