



55 State Street, Suite 201 • Springfield, MA 01103 • (413) 731-3131 • Fax (413) 737-5406
www.IBLawPC.com • Richard@IBLawPC.com • Mark@IBLawPC.com

DOMESTIC VIOLENCE: Don't Let This Charge Ruin Your Life, Relationship, or Family

MEDIA ATTENTION

The media's portrayal of several high profile cases involving domestic violence over the past few years has heightened the general public's interest relating to these crimes. As a result, there is an ever increasing amount of pressure on police officers, magistrates, and judges to err on the side of caution and criminally charge individuals in an effort to prevent their picture from being front page news.

IMPACT

A mere allegation of domestic assault and battery against a spouse, family or household member will likely result in the arrest of the accused. The accused will be kept in jail overnight, and brought before the Court the next morning or next business day if the arrest occurs during the weekend. Depending on the allegations, a dangerousness hearing may also be scheduled if requested by the prosecution, which may prevent your release from custody.

In addition, the accuser will be granted a restraining order against you, the violation of which will result in an additional criminal complaint.

A conviction on a domestic charge may result in imprisonment, the loss of employment, and often causes embarrassment and tension among family members and friends.

TREAT THIS CHARGE SERIOUSLY

Don't make the mistake of thinking you can represent yourself. Just because the victim has had a change of heart will not stop the process. There are many legal options which can be used to resolve your case short of trial.

HIRE AN ATTORNEY IMMEDIATELY

Under the laws of the Commonwealth, you are afforded many rights of which most citizens are unaware and which the District Attorney's Office has no obligation to inform you about.

Ianello Legal Associates is well experienced in defending those charged with domestic violence in the Commonwealth of Massachusetts.

OPTIONS

You may be eligible for a show cause hearing prior to the arraignment. This may allow for a dismissal before you are charged. Once you are charged, regardless of the outcome, you will have a criminal record. You may be able to resolve your criminal matter by utilizing the quasi civil remedy of "accord and satisfaction", which will prevent a conviction from appearing on your record. You may be able file motions to exclude statements or other evidence against you.

This may force a dismissal of the charges short of trial. A number of other strategies or defenses can be used depending on the facts and circumstances of your particular case.

PENALTIES

Massachusetts General Laws Chapter 265 Section 13A: whoever commits an assault or an assault and battery upon another shall be punished by imprisonment for not more than 2½ years in a house of correction or by a fine of not more than \$1,000.

The penalty may be enhanced if the victim is pregnant, permanently disfigured or impaired, or has an active restraining order or no contact order. The sentence could be enhanced to a 5 year state prison sentence and/or a fine up to \$5,000.